



## MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 9, 1994

SUBJECT: Construction of Sundeck/Swim Platform, at 4904 Tortuga Trail  
File # SP-94-0061DS (U2)

A request has been received from Am-Con Inc, on behalf of Hassan Kalantari, to construct a Sundeck/Swim Platform, at 4904 Tortuga Trail.

As you will see from the attached memorandum from the Parks and Recreation Department to the Department of Planning and Development, this property had some difficult issues to resolve because of an existing recessed boat slip located on the property which restricted the width of the shoreline that could be developed.

These issues have now been resolved by including the width of the slip and the proposed sundeck/swim platform in the overall development width so that it does not exceed the 20% rule.

The project and the site plans now meet the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

### Recommendation

I recommend approval of the request to construct a sundeck/swim platform at 4904 Tortuga Trail, in accordance with Site Plan # SP-94-0061DS.

If I can provide you with any additional information, please contact me.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MH:PM

1

## D I S T R I B U T I O N      M E M O R A N D U M

15-FEB-1994

TO: COMMENT DUE DATE: 7-MAR-1994  
FROM: SITE PLAN REVIEW DIVISION/PLANNING DEPT  
SUBJECT: DEVELOPMENT PERMIT ONLY SP-94-0061DS

PROJECT: HASSAN KALANTARI BOAT DOCK

4904 TORTUGA PL

CASE MANAGER: PASQUARELLA, BRETT 499-2636

APPLICATION DATE: 14-FEB-1994

ZIP: FULL PURPOSE  
WATERSHED: Lake Austin RURAL WATER SUPPLY

OWNER: KALANTARI, HASSAN (512)458-3151  
P.O. BOX 10024 AUSTIN, TX 78766  
CONTACT: HASSAN

AGENT: AM-CON, INC. (512)266-2939  
17201 WEST BEACH ROAD AUSTIN, TX 78734  
CONTACT: JAMES KRIEG

SITE PLAN AREA: 0.009 ACRES ( 399 SQ FT)  
UTILITY OR STORM SEWER LENGTH: 0 LINEAR FEET

EXISTING ZONING:  
EXISTING USE:

TRACT	ACRES/SQ FT	PROPOSED USE
	0.000/ 0	RES. BOAT DOCK

RELATED CASE NUMBERS (IF ANY):

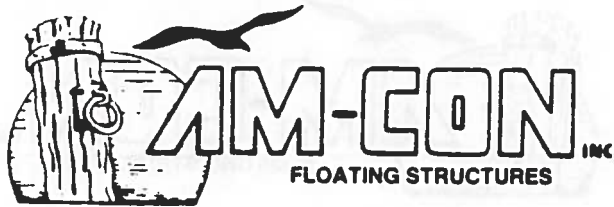
OTHER PROVISIONS:  
QUALIFIES AS A SMALL PROJECT  
TIA IS NOT REQUIRED  
FEE RECEIPT #: 1398016

SUBD NAME: NORTHWEST HILLS DRY CREEK SECTION ONE  
BLOCK/LOT:  
PLAT BOOK/PAGE: BOOK 84, PAGE 34

PARCEL #:

VARIANCES/WAIVERS, BONUSES:

2



2-25-94

DIRECTOR, PARKS AND RECREATION DEPARTMENT

Dear Sir,

This letter is submitted for your approval of a construction project at;  
Legal address: 4904 Tortuga Place

Legal description: Lot no. 2 Blk. no. n/a, Northwest Hills Drycreek  
Section one, City of Austion Recorded in Plat Book  
84 page 34 of Travis County

Owner: Hassan Kalantari ET UX and Nossnat Kalantari

We propose to construct a 20ft. x 20ft. sun/swim deck with proper  
navigational lighting as prescribed in LDC 13-2-793.

Thank you for your consideration of this project and if further  
information is required, please contact us.

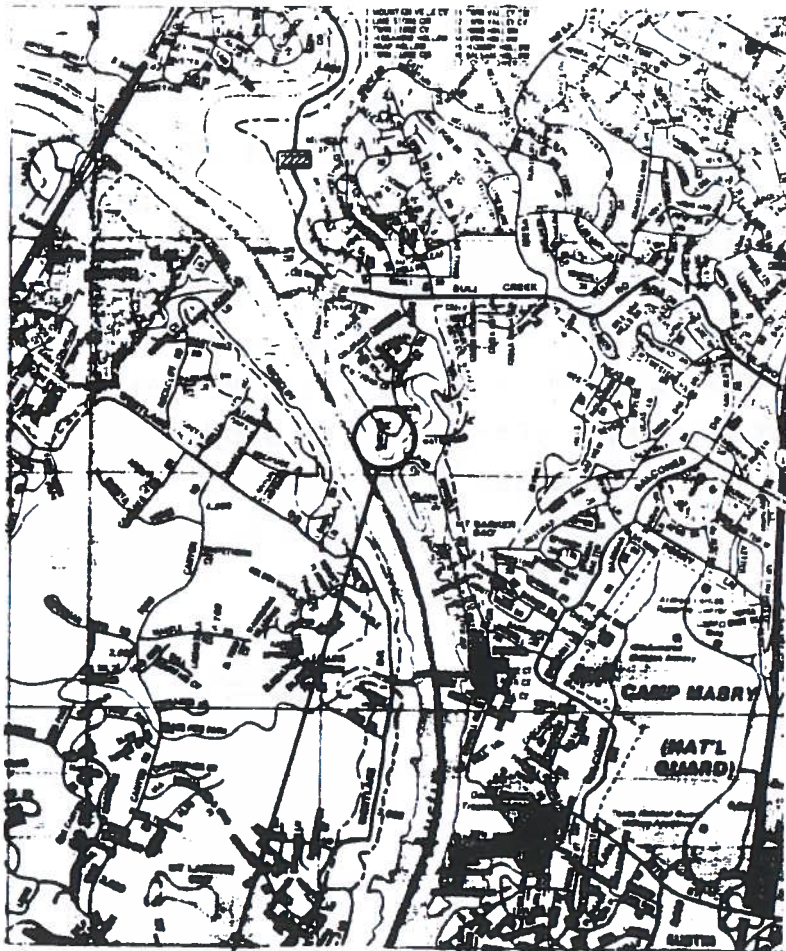
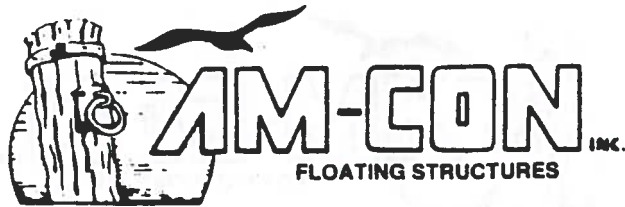
Sincerely,

*TE Bailey*  
Am-Con Inc.

Approved by:

Parks and Recreation Board

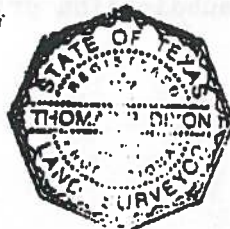
(Date)



MR. HASSAN KALANTARI  
4904 TORTUGA PLACE

LOT. 2 NORTHWEST HILLS DRY CREEK SECTION ONE  
CITY OF AUSTIN PLAT BOOK 84 PAGE 34  
OF TRAVIS COUNTY







MEMORANDUM

TO: Brett Pasquella, Case Manager  
Planning and Development Department

FROM: Peter Marsh, Staff Engineer  
Parks and Recreation Department

DATE: March 28, 1994

SUBJECT: Kalantari Boat Dock, 4905 Tortuga Trail  
File # SP-94-0061DS

I have reviewed the revised site plan submitted for this project, and the copy of the survey for the property that you sent me.

The survey indicates that there is an existing recessed 'boat slip/launch' located adjacent to south property line. There is also a covered boat slip indicated adjacent to the house, which is connected to the 'boat canal'.

Section 13-2-795(3) of the City's Land Development Code requires that:  
'No structure or development shall have a width, measured parallel to the shoreline, greater than 20% of the shoreline width of the lot'. Development is described as a dock, wharf, pier, float, island, pilling, wall, entrance to man-made lagoon, recessed boat dock or other similar structure'.

In addition Section 13-2-794(a) requires that:

'No application for a permit be approved to build more than two residential docks, piers, wharves, floats, island or other similar structure on a single lot zoned MF-1 Residential or more restrictive. A residential dock or similar structure is defined as for the purpose of providing a stationary landing for fishing, swimming, or the anchoring, mooring, housing or storing of not more than one vessel.

These restrictions shall not apply if:

- (1)(A) The lot was platted and recorded prior to August 26, 1976; and
- (B) Perpetual rights to use the water frontage of the lot were granted to one or more owners of other lots in the subdivision prior to June 23, 1979; or

(2) The Parks and Recreation Board has approved a plan for clustered boat docks.

As will see, unless this lot is subject to these exemptions, it will be necessary to comply with the Code requirements.

Section 13-2-794(a) restricts facilities for fishing, swimming, or mooring or storing boats to two such facilities for each residential lot. To be able to build the fishing pier/sun deck project to comply with the City Code, the use of the recessed boat slip/launch or the covered boat slip must be eliminated.

The following options should be considered:

1. Construct a new bulkhead along the shoreline of either boat slip and back fill behind, up to surrounding grade.
2. Construct a deck over either of the slips, to prevent their use for mooring or storing boats. The deck for the recessed slip should be level with the surrounding ground.

In accordance with Section 13-2-795(3), the shoreline length measures 115', 20% is 23'. The frontage of the boat canal is not considered as shoreline in these calculations. The existing recessed boat slip measures 16' wide, and the covered slip 17'.

If use of the covered boat slip is eliminated, the maximum width of the new development would be restricted to the permissible shoreline 23' less existing recessed slip width 16' = 9'.

If the use of the recessed slip is discontinued, the maximum width of the new development would be 20% of the 115' shoreline width = 23'.

Of course the new development will need to meet all the other Code requirements such as the 10' side property line setback.

If you have any questions please call me at 499-6767

Peter Marsh, Staff Engineer  
Parks and Recreation Department



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 9, 1994

SUBJECT: Construction of Floating Boat Dock, at 17 Windy Harbour Drive

A request has been received from Spillar Boat Dock and Boat Lifts, on behalf of Kyle Janik, to construct a floating single-slip covered dock, at 17 Windy Harbour Drive. This dock will be located at the upper end of Lake Austin just downstream from the dam, an area subject to high water levels during discharges from the dam.

Because this is a floating dock it is not subject to a site development permit under the City's Land Development Code.

Parks and Recreation Department staff have reviewed the project and the plans meet the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

**Recommendation**

I recommend approval of the request to construct a floating single slip covered boat dock at 17 Windy Harbour Drive.

If I can provide you with any additional information, please contact me.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MH:PM



# Spillar Boat Dock & Boat Lifts

Rt. 3, Box 937

Spicewood, Texas 78669

(512) 264-1774

MAY 9, 1994

PARKS & RECREATION DEPT

WE REQUEST THE APPROVAL OF BOAT DOCK TO PLANS  
FOR MR. KYLE LAMIE AT LOT. 17 BK. B

WINDMILL BLUFF ESTATES VOL. 78 PG. 151

ADDRESS 17 WINDY HARBOR DRIVE  
TRAVIS. CO  
AUSTIN, TEXAS

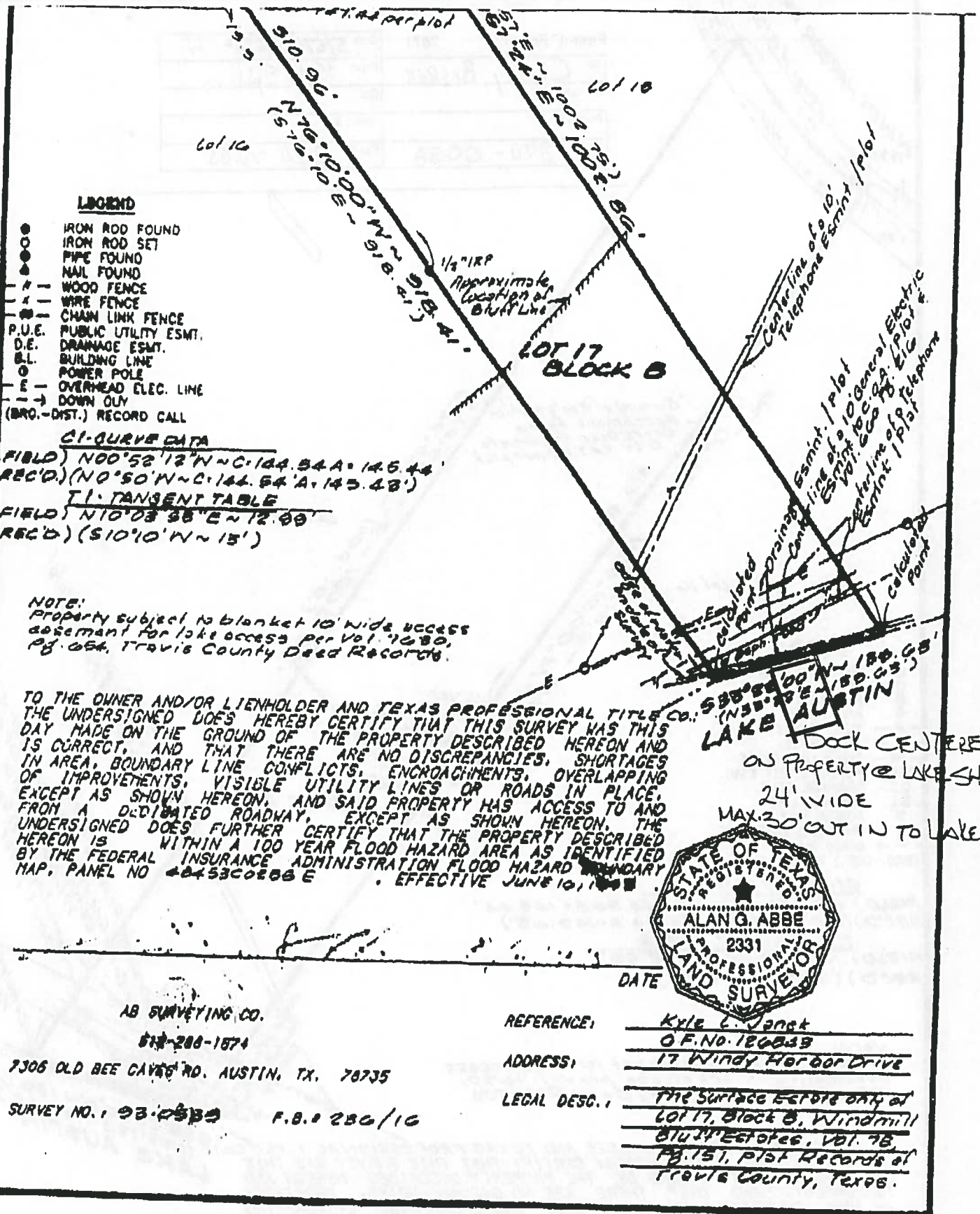
ANY QUESTION CONTACT KYLE SPILLAR @ 264-1774

THANK YOU

EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND  
 EXCEPT AS SHOWN HEREON, THE

MAY - 5-94 THU 11:47 9

P. 82



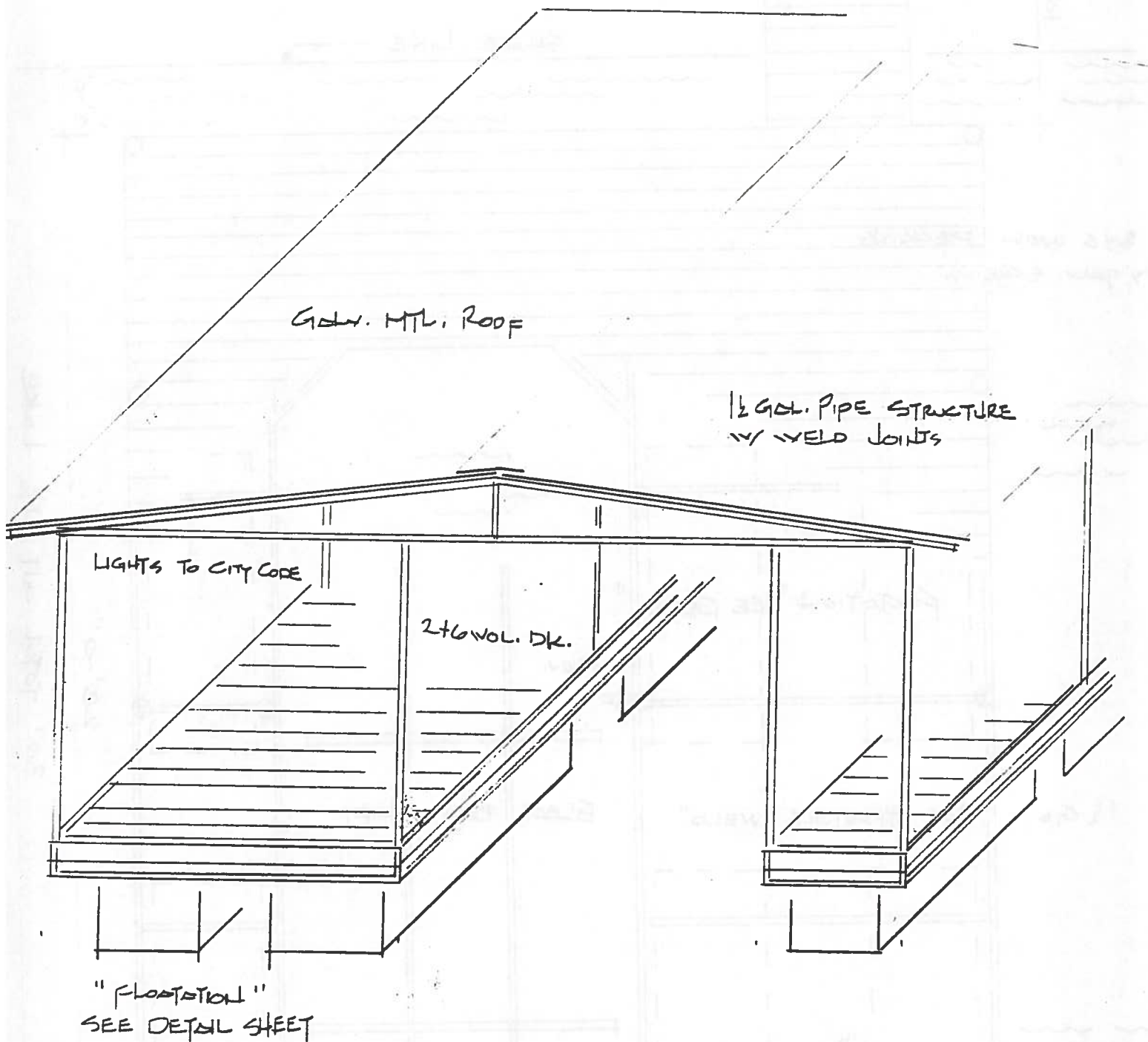


# Spillar Boat Dock & Boat Lifts

Rt. 3, Box 937

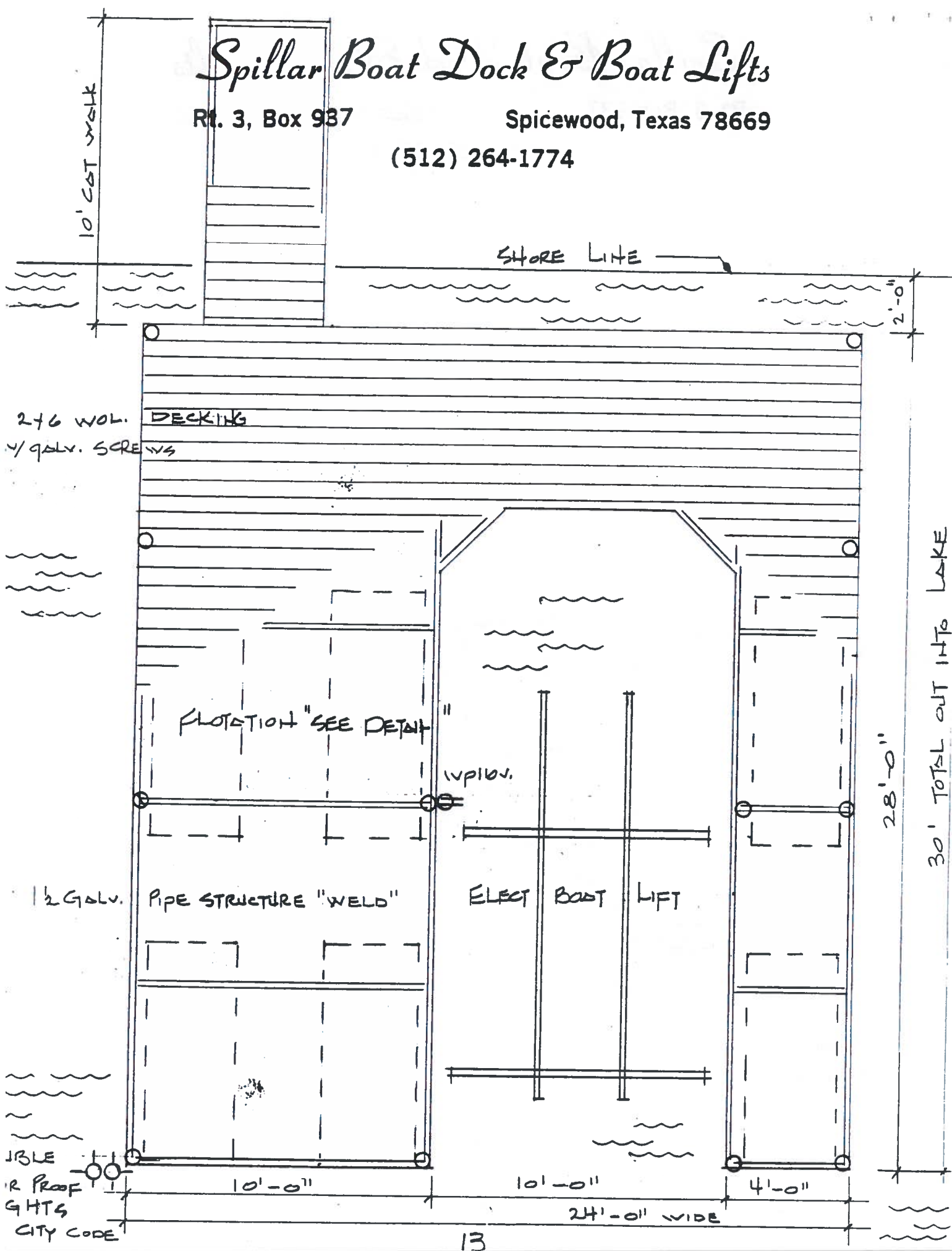
Spicewood, Texas 78669

(512) 264-1774



LAKE TO SHORE ELEVATION

**(512) 264-1774**





# Formex Floats

## Easy Installation Saves Money

### Dock Frame

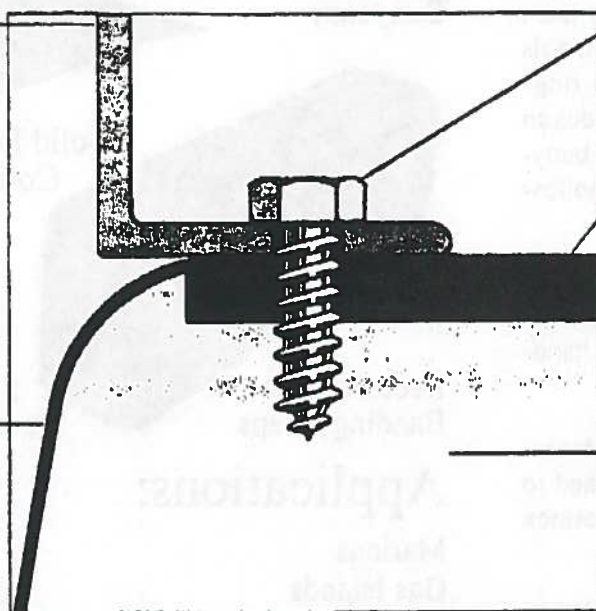
Works with any dock frame whether for new or retrofitted docks.

### Integral Bond

Foam thermally bonds to shell. The best foam core available in the market.

### Molded Shell

High impact strength polyethylene shell is the same material used for automotive gas tanks and canoes.



### Mounting Screws

3/8" lag screws can each hold over 500 lbs straight pullout force.

### Quick Connect Strip

Four wide superthick mounting strips provide easy direct attachment at any point. The strips allow great flexibility and speed installation.

### Premolded Solid Core

Superior grade EPS foam. Unique process permits each foam block to be inspected prior to encapsulation.

## Quick Connect

### Excels For Reflotation

**Fast and Easy** - Install with screws in minutes

**Rugged** - High impact and tensile strength

**Secure** - Fastens firmly to mounting strips

**Economical** - Reduces installation costs

**Versatile** - Fits any dock frame

### Ideal For New Docks Too

**Banding recesses** provide an alternate mounting method

**Waterproof** in fresh and saltwater

**Constant freeboard height**

**Quick Connect Strips** - A unique feature allows fast and secure mounting simply with screws. Quick Connect Strips are:

- Located in four sides of top surface
- Superthick 300 mil polyethylene
- Optionally located in side walls
- Securely embedded in shell

**Armor Shell** - The key to rugged flotation. Made from high density high molecular weight polyethylene Formex Floats are resistant to impacts, gasoline, animals, marine organisms, wave action and U.V. radiation.

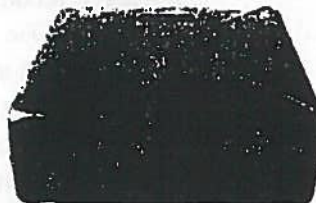
**Solid Foam Core** - Made of expanded polystyrene foam. Each block of foam is inspected to insure it is of the highest quality. Our unique design and process enable us to encapsulate a solid block of foam between two formed sheets of resilient polyethylene without the typical voids and loose fill which can fill with water and rob you of buoyancy.

"Formex Floats are a wise investment because of their ease of use, durability, and low cost"

4'x6' 1 - 404 -



4'x4'



3'x4'



2'x4'



**Formex**  
manufacturing inc

**In Stock For Immediate Delivery**  
**Corps of Engineers Approved**

601 Old Norcross Place, Lawrenceville, GA 30245

## The Next Wave . . .

Compare our buoyancy to the others

Formex Floats protect the environment and are safe. The armor shell keeps the foam from being broken up, eroded or eaten by animals thus helping to eliminate the "bathtub ring" around waterways. The foam core provides an extra measure of safety by maintaining buoyancy even if a float is damaged, unlike hollow drums that sink.

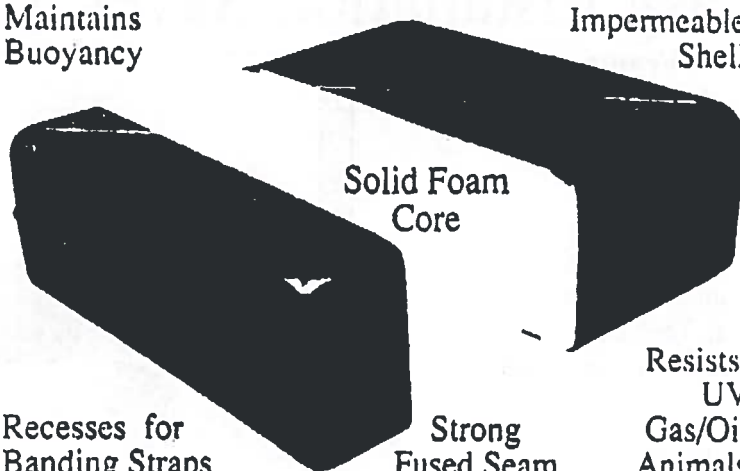
Formex Floats look good. They have sleek designer styling that resists algae and crustacean buildup. The black shell blends handsomely into the landscape.

Reliable - Formex Floats survived the devastation of hurricane Hugo remaining attached to docks that were decimated yet the Formex Floats suffered only minor abrasions.

Best of all Formex Floats are economical. When you compare price per pound of buoyancy with other brands you find what a great value Formex Floats really are.

Maintains  
Buoyancy

Impermeable  
Shell



Recesses for  
Banding Straps

Strong  
Fused Seam

Resists:  
UV  
Gas/Oil  
Animals

## Applications:

Marinas

Gas Islands

Boat Docks

Water Intake Stations

Boat Houses

Swim Docks

Floating Pipelines

Patent Pending

Member-IMI and NMMA

## Specifications

Size	2'x4'x1.5'	3'x4'x1.5'	4'x4'x1.5'	4'x6'x1.5'
Volume	11.7 ft <sup>3</sup>	17.5 ft <sup>3</sup>	23.3 ft <sup>3</sup>	35.0 ft <sup>3</sup>
Weight	28.0 lbs	38.0 lbs	50.0 lbs	74.0 lbs
Supports*	675 lbs	1010 lbs	1350 lbs	2025 lbs
A	16.2"	28.0"	40.0"	40.0"
- B	22.5"	34.4"	46.4"	46.4"
C	24.8"	37.0"	48.8"	49.0"
D	40.0"	40.0"	40.0"	64.0"
E	47.1"	46.6"	46.7"	71.2"
F	49.1"	49.0"	48.8"	73.0"

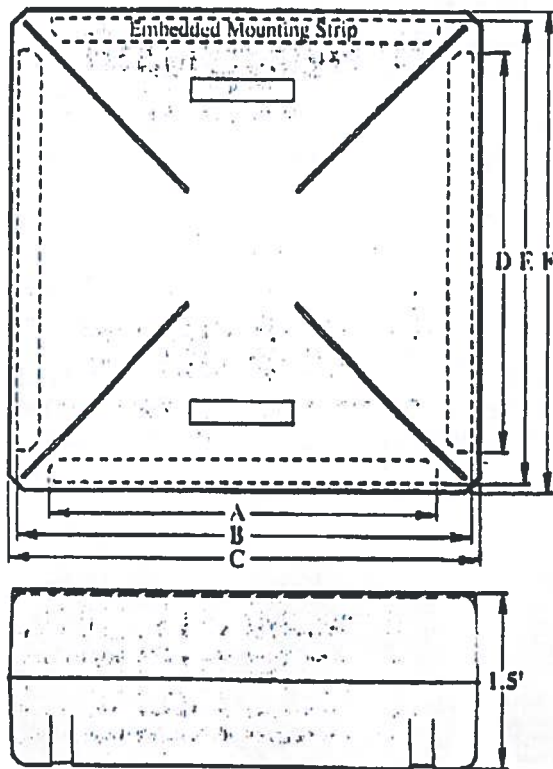
\*Figures give the weight for total submersion of foam block. In practice it is recommended that no more than 50% of the block be submerged. Due to the wide variety of uses for this product, Formex will not specify the quantity of flotation required for a particular application

A and D dimensions - length of mounting strip

B and E dimensions - Outside dimension of mounting strips  $\pm .5"$

C and F dimensions - Overall size of float  $\pm .5"$

Mounting strips 2 3/8" standard width. 5" width available.





MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 9, 1994

SUBJECT: Construction of two-slip boat dock, at 2414 Matthews Lane  
File # SP-94-0141DS

A request has been received from Signor Enterprises, on behalf of John Sauder, to construct a two-slip boat dock with deck over, at 2414 Matthews Lane. The boat dock itself is located on Scenic Drive directly opposite the residence that is located on Matthews Lane. The boat dock is considered an accessory to the residence and does not need to be contiguous with the residential lot.

Parks and Recreation Department staff have reviewed the project and the site plans meet the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments) with the exception of navigation lighting.

**Recommendation**

I recommend approval of the request to construct a two-slip boat with deck over at 2412 Matthews Lane, in accordance with Site Plan # SP-94-0141DS, subject to the following condition:

1. Navigation lighting being provided in accordance with Section 13-2-793(b)(2)(B)(2), which requires navigation light stations to be provided on both exterior corners of the dock because it is wider than 25'.

If I can provide you with any additional information, please contact me.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MH:PM

## D I S T R I B U T I O N      M E M O R A N D U M

14-APR-1994

TO: COMMENT DUE DATE: 21-APR-1994  
FROM: SITE PLAN REVIEW DIVISION/PLANNING DEPT  
SUBJECT: DEVELOPMENT PERMIT ONLY SP-94-0141DS

PROJECT: SANDER BOAT DOCK

2412 MATTHEWS LA

CASE MANAGER: PARR, RUSSELL 499-2720

APPLICATION DATE: 13-APR-1994

ZIP: 78703 FULL PURPOSE  
WATERSHED: Lake Austin RURAL WATER SUPPLY

OWNER: SAUDER, JOHN (512)476-1162  
1607 PEASE ROAD AUSTIN, TX 78703

CONTACT: JOHN SAUDER  
AGENT: SIGNOR ENTERPRISES INC (512)327-6064  
5524 WEST BEE CAVES ROAD STE K-5 AUSTIN, TX 78746  
CONTACT: BRIAN RENNAKER

SITE PLAN AREA: 0.021 ACRES ( 899 SQ FT)  
UTILITY OR STORM SEWER LENGTH: 0 LINEAR FEET

EXISTING ZONING: SF  
EXISTING USE: BOAT DOCK

TRACT	ACRES/SQ FT	PROPOSED USE
	0.021/ 899	BOAT DOCK

RELATED CASE NUMBERS (IF ANY):

OTHER PROVISIONS:  
QUALIFIES AS A SMALL PROJECT  
TIA IS NOT REQUIRED  
FEE RECEIPT #: 1431648

SUBD NAME:  
BLOCK/LOT:  
PLAT BOOK/PAGE:

LEGAL DESCRIPTION:  
0.53 ACRES OF AND OUT OF THE O J GILBERT SURVEY NO. 8, ABSTRACT NO. 313

PARCEL #:



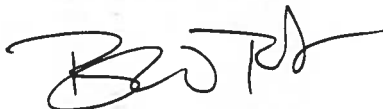
Date: April 11, 1994  
To: Director Parks and Recreation Department  
From: Signor Enterprises Inc.  
Subject: Dock permit, legal address: 0.53 of an acre and 0.1 of an acre of the DJ Gilbert Survey No. 8, Abstract No. 313.

We are requesting approval of our residential boat dock plans at 2412 Matthews Lane for construction in May 1994.

The slips are to be built from steel pilings.

This additional construction should not adversely affect any shoreline erosion, drainage, or other environmental concerns.

Thank you for your consideration.



Brian Rennaker



Date: April 11, 1994  
To: City of Austin  
From: Signor Enterprises Inc.  
Subject: Summary letter for the Sauder boatdock at 2412 Matthews Lane.

This project is in the Lake Austin Watershed as the average lake level at the proposed location is 492.8.

No impervious cover is to be proposed.

All of the project will be constructed by a barge based crain and pile driver, so no trees will be cleared.

The construction process will be: first the steel pilings are driven, the lower deck will be built then the roof structure.

Thank you,

A handwritten signature in black ink, appearing to read 'B. Rennaker', with a stylized flourish at the end.

Brian Rennaker



## MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 9, 1994

SUBJECT: Approval of negotiation and execution of a contract with Live Oak Theatre for the purchase, renovation/operation of the State Theater as a performing arts facility.

In 1985, City of Austin citizens authorized the sale of \$20,000,000 in bonds for cultural arts including a downtown art museum and renovation of performing arts facilities. The State Theater was identified as a facility to be renovated with these funds.

This contract will authorize payment under terms and conditions to ensure proper use of the funds. Live Oak Theatre, contingent on purchasing of the State Theater building, will design and renovate the building, and operate the theater as a performing arts facility. The building will be owned by the City. The City's bond money (\$1,800,000) is restricted in use to the renovation portion of the contract and is not payable until title to the property has been obtained. Live Oak will cover all other expenses.

The recommended awardee has committed in writing to making every effort to meet the goals for M/WBE subcontracting. However, until negotiations are finalized and contracts signed, Live Oak Theatre is unable to identify specific minority subcontractors.

After review of the proposals, the Parks and Recreation Department recommends that the City of Austin negotiate and execute a contract with Live Oak Theatre, Inc. for renovation of the State Theatre into a performing arts facility.

Please let me know if you need additional information.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MJH:jh



## MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 8, 1994

SUBJECT: Zone 1 Park (Northwest Austin)

### Introduction

The 1992 Bond Election included a project for a new park in Park Planning Zone 1, which covers northwest Austin. The project was included by City Council in response to requests by citizens living in the area between Highway 183 and Spicewood Springs Road, commonly referred to as Great Hills. Currently, the City owns land along Bull Creek, a 7 acre neighborhood park next to the North Oaks Elementary School, and a 61 acre greenbelt east of the Great Hills Golf Course (Map 1).

After passage of the bonds, the Parks and Recreation Department (PARD) investigated at least six sites in the general vicinity. Each of the properties was unobtainable for various reasons, including unacceptable cost, endangered species habitat on site, or the property was sold to a developer.

On October 20, 1993 PARD was asked to meet in the neighborhood to give a status report. The meeting was held at the curb side of Floral Park Drive, the street bisecting the 61 acre park. After reporting on the acquisition status, the general consensus of the approximately 50 people was to use the 61 acre tract for the park, since it is already owned by the City. In addition, a recommendation was made to purchase a 9 acre tract to extend the parkland to the west. In order to develop a park design, PARD requested the neighborhood assemble a list of desired improvements.

Thereafter, participants of the October meeting developed a one-page questionnaire to survey the community's priorities for development. Soon afterwards, other community members contacted PARD objecting to the development of the 61 acre park. Concerned that their voice may not have been represented in the first survey, they conducted other surveys using a second format. PARD has received all surveys (see attachments). A map illustrating the results of the surveys will be presented at the Parks Board meeting.

FOR

One survey, titled "Proposed Great Hills Park Survey", asked the residents to respond for or against the proposed park, and to prioritize a list of eight improvements. The results were 620 in favor of the park, 113 against the park and 40 no opinion. The other survey, titled "Austin Hills Home Owners Survey Form for Land Use Options", offered three options: nature preserve, greenbelt, and neighborhood park. A definition was given for each park use option. The results from three neighborhood groups were 14 for a neighborhood park and 121 for either a greenbelt or nature preserve. (Surveys attached) Some resident were included in both surveys so the results cannot be added. AGAIN

#### Sixty-one Acre Site

The 61 acre park, given to the City for park purposes in 1985, is a linear, 3/4 mile long tributary of Bull Creek. The park is surrounded by single and multi-family residential lots and is bisected by Floral Park Drive. The park terrain slopes down to the creek, with occasional flat meadows. Since the park has the wooded character of a neighborhood greenbelt, it's development potential is limited. Access to the land is possible at Floral Park Drive, to the south, and from the new 9 acre tract, to the north.

#### Issues

- ① **Development potential** - there appears to be some agreement that hiking trails are appropriate; people are using the park for this purpose currently. There is disagreement whether additional improvements should be built. A playscape has been recommended by some residents.

**Analysis:** Improvements should be limited to reflect the character and dimensions of the land. The land is suitable for nature-oriented and family activities.

- ② **Access** - Vehicular access from Floral Park Drive is considered inappropriate, considering the limited sight line of a curving street, and that many cars travel at an excessive speed.

**Analysis:** There should be no vehicular access from Floral Park Drive; "Park Zone" warning signs should be installed to slow traffic to protect pedestrians entering the park.

- ③ **Environmental Impact** - Native wildlife in the park may be disturbed by a higher level of use.

**Analysis:** Park development should be designed to minimize the impact on wildlife.

- ④ **Neighborhood Security** - Park development may result in additional security problems.

**Analysis:** Once improvements are completed, the park will receive Park Police and Austin Police Department patrol response. In general, park users report and discourage improper activities.



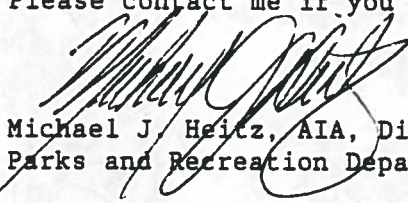
⑤ **Impact on the Neighborhood** - Park development may impact the adjoining residents.

**Analysis:** The land was accepted for park purposes, so increased park activity is expected. The limited improvements should minimize the range of activity. Most visitors are expected to be from this part of Austin.

**Recommendation**

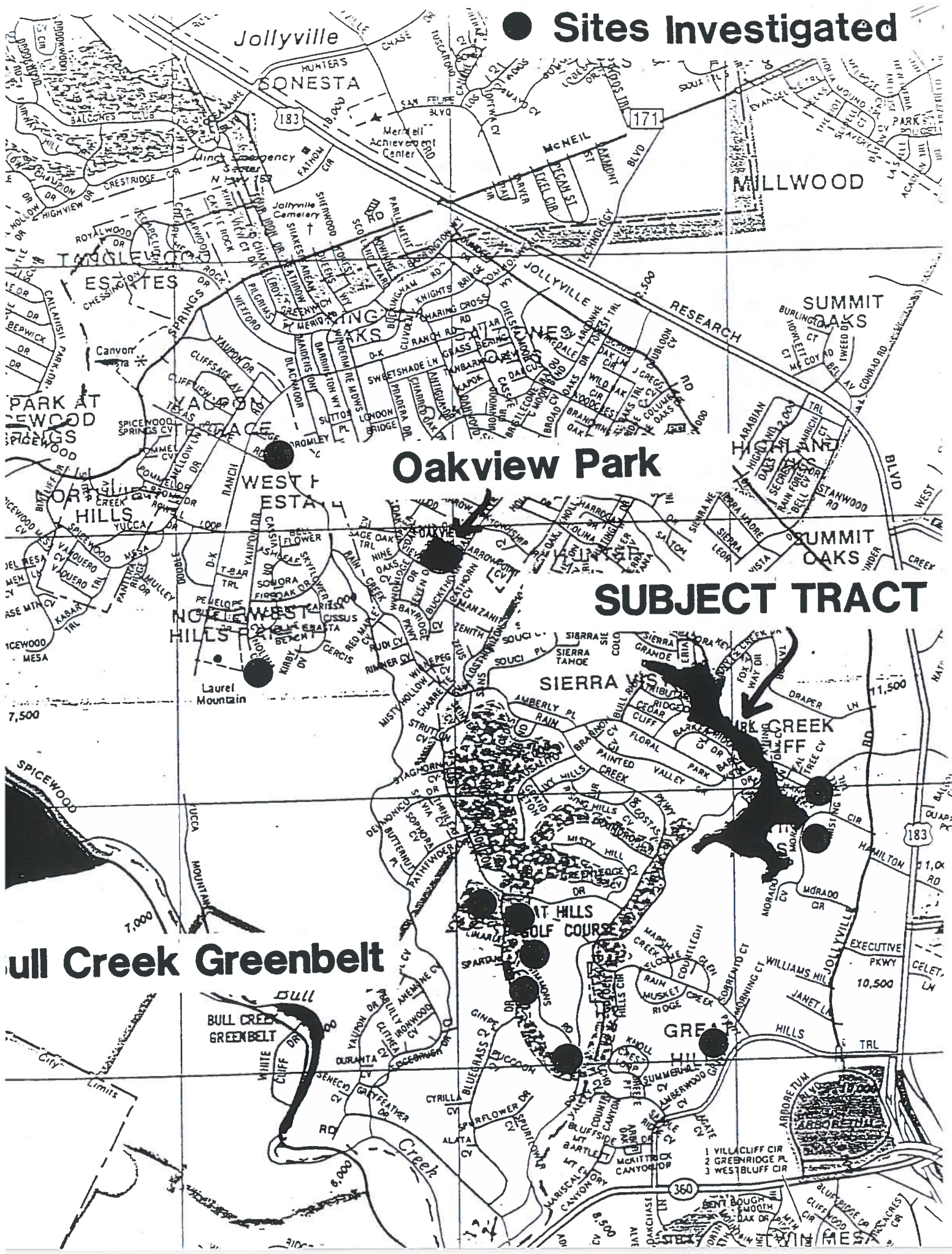
The park was dedicated as public parkland and appropriate public recreation should be available. I recommend construction of a trail, with associated amenities such as benches and tables, and a small playscape on the north end to serve children in the area.

Please contact me if you require additional information.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department



# ● Sites Investigated



Oakview Park

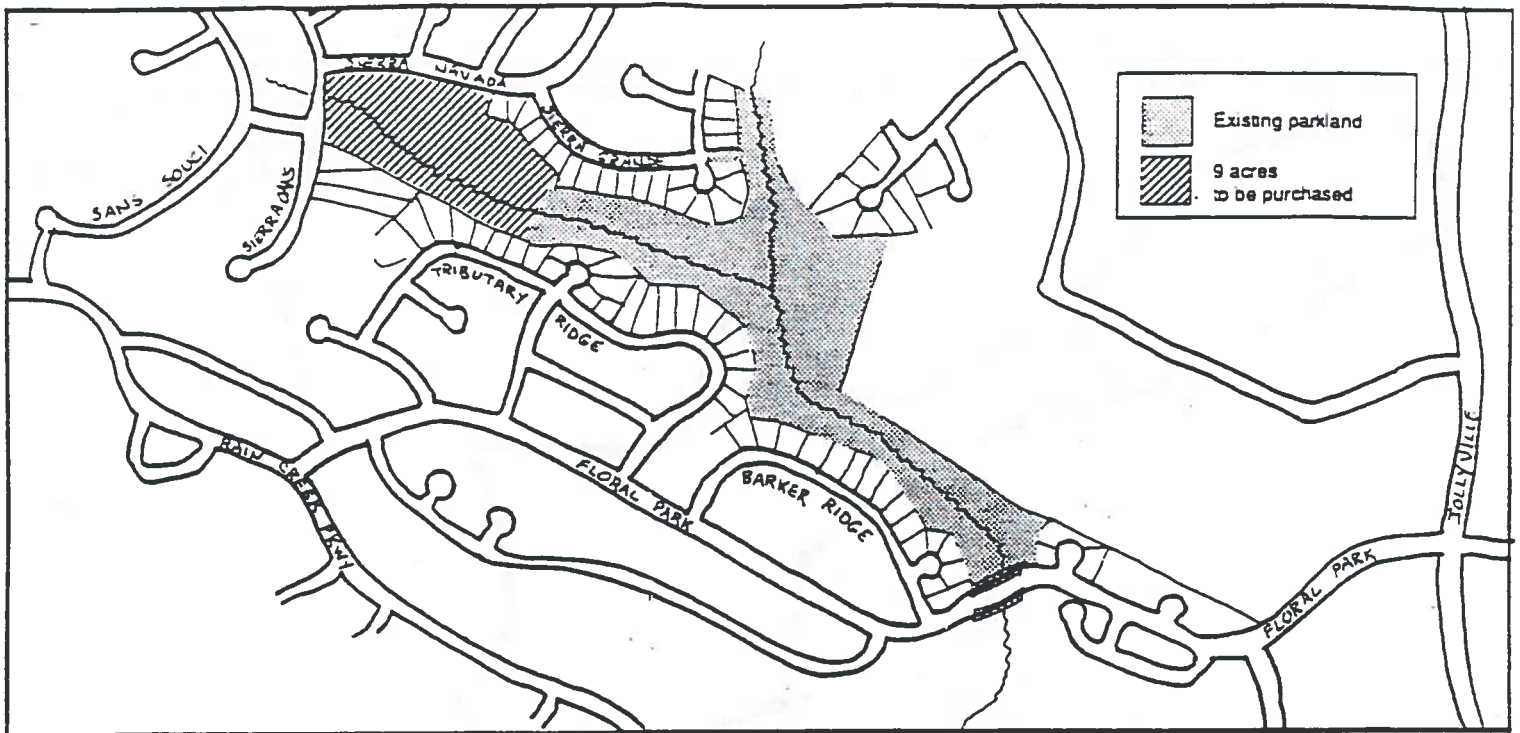
SUBJECT TRACT

Bull Creek Greenbelt





# PROPOSED GREAT HILLS PARK SURVEY



*We would like your opinions:*

What is your opinion of the proposed Great Hills Park? For ☐ Against ☐ No Opinion ☐

Why? \_\_\_\_\_

Rank each of the following: 1= Very Important 2=Important 3=No Opinion 4=Not Desirable 5=Absolutely Not

<input type="checkbox"/> Playscape	<input type="checkbox"/> Picnic Tables	<input type="checkbox"/> Water Fountain	<input type="checkbox"/> Restrooms
<input type="checkbox"/> Parking	<input type="checkbox"/> Pavilion	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Hike & Bike Trails	<input type="checkbox"/> Playing Field	<input type="checkbox"/> Other _____	

Are you interested in volunteering time to this effort? ☐ Yes ☐ No ☐ Maybe

If yes, how? \_\_\_\_\_

Do you wish to be on the Executive Planning Committee? ☐ Yes ☐ No

*A meeting to discuss plans for the Great Hills Park with officials from the Austin Parks & Recreation Department is scheduled on March 22 at 7:00p.m.*

*at Triumphant Love Lutheran Church (on the corner of Rain Creek Parkway and Great Hills Trail).*

*We would like to have input from everyone in the neighborhood, so please plan to attend.*

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

For more information, please call: Marie Laing 331-6291 or Suanne McLellan 345-4055

One Hour Printing  
1739 W. Anderson Lane

April 26, 1994

Stuart Strong  
Principal Planner  
City of Austin  
Parks and Recreation Department  
P.O. Box 1088  
Austin, TX 78767

Dear Stuart,

The Great Hills Area Executive Park Committee met last night April 25, 1994 at the Spicewood Springs Branch Library to discuss the committee's survey results and to proceed with plans to make recommendations for development. There were around 40 people in attendance.

The final survey results were 620 lots for the park development, 113 lots against development, 40 no opinions and 8 lots that were in conflict. These results included all of the survey completed by the GHAEPC as well as results of the survey circulated in the Austin Hills I and Sierra Arbor Neighborhoods. There were 940 lots surveyed in total with 773 surveys returned. Some of the survey information was obtained by phone calls.

The amenities that were supported by the neighborhood are as follows:

Hike Trails	85%
Playscapes	78%
Picnic Tables	69%
Water Fountain	63%
Playing Field	52%

The GHAEPC took a head vote and decided that water fountains were not something that the committee supports and the playing field will be defined as a flat grassy area that will be kept mowed with no other improvements.

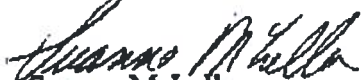
There were committees formed to come up with proposals for both trails and playscapes. They will be working with the city to insure that all city guidelines, budgets, etc. are met. Committees were also set up for security and finance.

There was a small group of people that left the meeting upset with the final outcome of the survey results. However, most of the people stayed to work on the various committees and to have input in working with their neighbors to determine what and where the developments would be.

The committees will meet on their own and bring their proposals to the GHAEPC which will then be presented to the PARD.

Enclosed are copies of the survey results as well as the sign up sheets for the people attending the meeting last night. I will bring down the surveys to your office as soon as I get them copied. If there is any additional information you need, please let me know.

Sincerely,



Suanne McLellan

Co-Chairperson

Great Hills Area Executive Park Committee

5716 Painted Valley Drive

Austin, TX 78759

Home 345-4055

Fax 345-2941



# Great Hills Area Park Survey Results

	Area 1	Area 2	Area 3	Area 4	Area 5	Total
Total	204	152	251	133	191	931
Completed	166	132	191	98	186	773
For	80	115	161	94	170	620
Against	84	12	8	0	9	113
No Opinion	2	5	22	4	7	40
Playscape						
1	42	65	97	56	108	368
2	20	26	25	6	39	116
3	14	31	11	5	25	86
4	8	4	1	0	5	18
5	24	7	2	0	3	36
Parking						
1	17	22	36	35	27	137
2	15	33	32	17	33	130
3	15	52	28	7	45	147
4	15	10	19	5	38	87
5	50	21	14	1	28	114
Hike Trails						
1	49	67	83	44	98	341
2	28	30	35	16	62	171
3	14	28	9	7	14	72
4	4	0	2	2	4	12
5	23	8	2	0	2	35
Picnic Tables						
1	26	44	54	23	62	209
2	31	39	46	27	73	216
3	14	36	19	13	29	111
4	11	3	8	2	9	33
5	32	11	3	1	4	51
Pavillion						
1	10	11	10	9	17	57
2	6	28	23	15	34	106
3	22	68	48	19	68	225
4	21	11	27	9	29	97
5	51	15	15	4	22	107
Playing Field						
1	12	28	38	25	48	151
2	26	37	36	15	56	170
3	15	45	24	19	36	139
4	15	7	13	5	17	57
5	41	16	12	2	16	87
Water Fountain						
1	29	46	57	34	69	235
2	28	30	37	17	43	155
3	15	43	23	10	35	126
4	9	5	4	2	11	31
5	34	9	5	2	7	57
Restroom						
1	24	28	51	31	39	173
2	11	26	22	14	35	108
3	11	47	19	7	40	124
4	12	11	16	6	29	74
5	55	21	15	5	24	120

AREA 1 Austin Hills I, Austin Hills III, Sierra Arbor, Tributary Ridge, Cedar  
 AREA 2 Sierra Arbor Phase I, Austin Hills 5, Oak Forest  
 AREA 3 Great Hills Section IX  
 AREA 4 Great Hills Phase II, Lost Horizon, Zues, Zenith and Stratton Coves  
 AREA 5 Great Hills Section 7  
 AREA 6 Sierra Vista I, Sierra Vista II

Austin Hills Home Owners Survey Form  
for  
Land Use Options

Option	Definition
<input type="checkbox"/> Nature Preserve	This is close to the situation as it is now. In a Nature Preserve, trails are to direct people so that they will not do damage to the preserve as they pass through it.
<input type="checkbox"/> Greenbelt	Upgraded trails for runners and people on bicycles. Less attention is paid to preserving the natural character of the area.
<input type="checkbox"/> Neighborhood Park	Parks cover a wide range of choices. Play areas for young children. Hike and Bike Trails. Volleyball courts for older children. Picnic Areas. Pavilions. Playing fields for all. Etc.
	Note: Those selecting the Neighborhood Park option are requested to define what they want in the Neighborhood Park. Do this in the comments section below.

COMMENTS

(Continue on the opposite side if you need more room)

Sign and return your survey form to: J. L. Kamiske  
10640 Floral Park Drive

Name:

Address:

Phone:

# Austin Hills Home Owners Survey

Page 1 of 2

Name	Phone	Address	Street	Nature	Greenbelt	Park	Total
James Peterson	345-6304	10601	Barker Ridge Cove	1	0	0	1
Michael & Deanna Mercado	346-9214	10602	Barker Ridge Cove	0	0	1	1
Gerald & Phyllis O'Rourke	346-3628	10603	Barker Ridge Cove	1	0	0	1
Jeff & Alice Nanney	343-7924	5500	Barker Ridge Drive	1	0	0	1
Robert & Judy Heil	346-6703	5502	Barker Ridge Drive	1	0	0	1
Michael & Mary Lynn Murphy	338-0825	5601	Barker Ridge Drive	1	0	0	1
Marc & Carol Gill	338-0804	5602	Barker Ridge Drive	1	0	0	1
Hisao Kawasaki	343-8071	5603	Barker Ridge Drive	0	1	0	1
Jim Beser	345-5015	5608	Barker Ridge Drive	1	0	0	1
Darlene Harris	345-7433	5604	Barker Ridge Drive	1	0	0	1
Mr. & Mrs. James Berry	345-5015	5608	Barker Ridge Drive	1	0	0	1
Mr & Mrs L Cohen	795-8600	5609	Barker Ridge Drive	1	0	0	1
Curtis & Annette Felfe	345-3950	5610	Barker Ridge Drive	1	0	0	1
L.L. & Gail Piotowski	345-9698	5612	Barker Ridge Drive	1	0	0	1
Fred & Maria Blazine	343-0340	5700	Barker Ridge Drive	1	0	0	1
Alan & Donna Woosley	343-6225	5702	Barker Ridge Drive	1	0	0	1
George Jenkins	345-6046	5704	Barker Ridge Drive	0	0	1	1
Brad & Colleen Urry	346-0925	5705	Barker Ridge Drive	1	0	0	1
John & Laura Derrick	345-4895	5709	Barker Ridge Drive	0.5	0	0.5	1
Jess & Louise Thompson	345-0254	5710	Barker Ridge Drive	0.5	0.5	0	1
Shakti Kasoor	343-1614	5711	Barker Ridge Drive	1	0	0	1
Michael & Tina Slack	343-2611	5712	Barker Ridge Drive	1	0	0	1
Ping & Sherry Chen	502-1317	10600	Barker Vista Cove	0	1	0	1
Karen K. Travis	345-1778	10602	Barker Vista Cove	1	0	0	1
Glenn Zazuva	345-7163	10603	Barker Vista Cove	1	0	0	1
Brian J. Berry	338-4068	10707	Bull Ridge Drive	1	0	0	1
William & Leslie Giordain	346-5246	10711	Bull Ridge Drive	1	0	0	1
Pedro Berdion	795-9332	10713	Bull Ridge Drive	1	0	0	1
Carrol P. Griffith	338-0802	5802	Cedar Cliff Drive	1	0	0	1
Shelly & Donnie Anderson	345-3676	10601	Floral Park Drive	0	1	0	1
Joseph & Dorothea King	346-8839	10605	Floral Park Drive	1	0	0	1
Jean & Lynn Zimmerman	502-0666	10606	Floral Park Drive	1	0	0	1
Dr. & Mrs Max J. Conley	345-4533	10608	Floral Park Drive	1	0	0	1
M. Boland	346-2080	10609	Floral Park Drive	1	0	0	1
Howard Taylor	345-6268	10610	Floral Park Drive	1	0	0	1
Doug & Trixie Hall	343-1273	10612	Floral Park Drive	0	0	1	1
Duane R. Scot	343-6818	10614	Floral Park Drive	0	1	0	1
Gilbert Carter Jr.	345-8080	10627	Floral Park Drive	0	0	1	1
Pete Prinavera	502-4615	10618	Floral Park Drive	0	1	0	1
Robert Guidry	346-6317	10620	Floral Park Drive	1	0	0	1
Pam Damell	343-7979	10625	Floral Park Drive	1	0	0	1

# Austin Hills Home Owners Survey

Page 2 of 2

	Phone	Address	Street	Nature	Greenbelt	Park	Total
Silone Payton	338-1058	10631	Floral Park Drive	1	0	0	1
& Frankie Cooper	346-8307	10632	Floral Park Drive	1	0	0	1
Curington	345-4514	10634	Floral Park Drive	1	0	0	1
ie C. Ball	345-5870	10635	Floral Park Drive	1	0	0	1
ald & Sharon Kirkpatrick	343-1366	10636	Floral Park Drive	1	0	0	1
i & Leslie Stephens	343-7698	10637	Floral Park Drive	1	0	0	1
& Amy Tuvell	343-2670	10638	Floral Park Drive	1	0	0	1
ard Smith	445-8591	10639	Floral Park Drive	0	1	0	1
& Jane Kamiske	343-2466	10640	Floral Park Drive	1	0	0	1
Baskin	345-2929	10641	Floral Park Drive	1	0	0	1
sa Meschin	346-6358	10642	Floral Park Drive	1	0	0	1
d Kemp	795-0784	10646	Floral Park Drive	1	0	0	1
. Hogue	338-0649	10649	Floral Park Drive	0	1	0	1
dy Baylor	346-2963	10653	Floral Park Drive	0	0	1	1
& Pat Fine	345-3243	10655	Floral Park Drive	1	0	0	1
Reynolds	345-6862	10657	Floral Park Drive	1	0	0	1
c & Cindy Cullers	343-7977	10718	Floral Park Drive	1	0	0	1
& Carol Mcallister	794-9514	10722	Floral Park Drive	1	0	0	1
ge & Lynn Beierle	338-4784	5804	Tributary Ridge Drive	1	0	0	1
er & Evelyn Diamond	345-2166	5810	Tributary Ridge Drive	1	0	0	1
& Betty McGovern	343-6515	5811	Tributary Ridge Drive	1	0	0	1
les & Deborah King	794-8484	5812	Tributary Ridge Drive	1	0	0	1
gory & Elizabeth Moore	795-0747	5814	Tributary Ridge Drive	1	0	0	1
re & Natalie Brown	346-6707	5818	Tributary Ridge Drive	0.5	0.5	0	1
& Lorie Harmeyer	343-6457	5825	Tributary Ridge Drive	0	0	1	1
shall & Roberta Sitrin	345-8703	5826	Tributary Ridge Drive	1	0	0	1
vard Smith	338-9331	5827	Tributary Ridge Drive	1	0	0	1
iam G. & Marion Couch	346-1986	5828	Tributary Ridge Drive	1	0	0	1
ard & Elaine Brown	794-3886	5829	Tributary Ridge Drive	0	0	1	1
e Wilkes	345-5271	5832	Tributary Ridge Drive	1	0	0	1
es M. Hernandez	343-2081	5833	Tributary Ridge Drive	1	0	0	1
rey Huddleston	795-9703	5900	Tributary Ridge Drive	1	0	0	1
& Karon MacMurthie	345-7714	5901	Tributary Ridge Drive	0	0	1	1
n & Virginia Beckham	335-4613	6000	Tributary Ridge Drive	1	0	0	1
or & Kathy Bazan	219-1428	6001	Tributary Ridge Drive	1	0	0	1
art Groer	331-1752	6004	Tributary Ridge Drive	1	0	0	1
i Tolcos	219-0213	6005	Tributary Ridge Drive	1	0	0	1
Home Office:	331-4917						
y & Maxine Zeigler	250-0545	6010	Tributary Ridge Drive	1	0	0	1
ward A. Rhem	250-5486	6012	Tributary Ridge Drive	1	0	0	1
liam C. LaFrance	219-1188	6018	Tributary Ridge Drive	1	0	0	1

Total  
Percent Analysis:

63.5  
80.38%  
8  
10.13%  
7.5  
9.49%  
79  
100.00%

pared By:

*J. L. Kamiske*  
James L. Kamiske  
10640 Floral Park Drive  
Austin Hills Subdivision I  
Phone: 343-2466  
May 2, 1994



GAYE KOPAS 10701 FALLING TREE COVE AUSTIN TX 78759-5577

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## MEMO

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Date: 4-20-94

To: Stuart Strong

Re: " Proposed Great Hills Park"

Enclosed is a petition signed by over two-thirds of the Austin Hills III Homeowners Association. Our association is very concerned about a park due to our fears of increased traffic, possible vandalism and crime, and loss of privacy as well as other possible problems that could occur as a result of a park adjacent to our homes.

After this petition was signed, the homeowners group was polled by the Board to see if a greenbelt with hiking and biking trails would be a desirable option and the result was positive from over two-thirds of the owners. We would also expect that these could be maintained by the parks department.

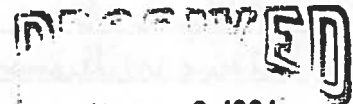
Please notify us as soon as any decisions are made concerning the park .

Thank you for your help.

  
Gaye Kopas

President, Austin Hills III Homeowners Assn.

cc: Bruce Todd, Ronney Reynolds, Bridget Shea, Max Nofsinger, Jackie Goodman



MAY 9 1994

Planning & Design  
P. A. R. D.

# AUSTIN HILLS III HOMEOWNERS' ASSOCIATION

By our signature below, we, the undersigned residents of the Austin Hills III subdivision and members of the Austin Hills Section III P.U.D. Owners Association do hereby oppose the development of the parkland adjacent to our subdivision and petition the City Council to retain the parkland in its natural condition. This petition pertains to existing parkland and parkland that may be acquired adjacent to and contiguous with the existing parkland.

Name	Address	Telephone No.
Mr. & Mrs. Charles B. Grunewald	10700 Falling Tree Cove	346-2922
Ed & Gaye Kasper	10701 Falling Tree Cove	343-1383
Joe & Dick Bernal	5301 Hanging Cliff Cove	502-1914
Dolores & Steve Raphael	5303 Hanging Cliff Cove	343-8188
Cliff & Linda Mott	5307 Hanging Cliff Cove	794-0150
Kim & Roxie Rochet	5315 Hanging Cliff Cove	345-6935
LINDA & BERT WEST	5302 HANGING CLIFF COVE	346-3200
Marilyn & Dick Gatten	5325 Hanging Cliff Cove	338-0947
Mary & Robert Wood	5308 Hanging Cliff Cove	795-9310
John & Elaine Klauwager	5335 HANGING CLIFF COVE	346-3927
Michael C. Keener	5403 Hanging Cliff Cove	346-8199
Roger & Jane Bueger	5411 Hanging Cliff Cove	345-2272
John & Odelle DiMatteo	5419 Hanging Cliff Cove	346-8813
Mr. & Mrs. Max Muller	10718 Floral Park	343-7977
Joe & Carol McAlister	10722 Floral Park Drive	794-9514
Kathryn & Beau Ross	10705 Watering Rock Lane	794-3867
Gentle Windom	10701 Raining Oak	338-9307
Eugene F. Sisti	5329 Hanging Cliff Cv.	794-0880
Art & Mary	10702 Raining Oak	795-9819
Robert & Joyce	" " "	795-9819
William & Donnie Mairs	10700 Raining Oak Cove	345-7135
Katherine Williams	10701 Watering Rock Lane	795-9980

City of Austin  
Department of Parks and Recreation  
200 South Lamar Blvd.  
Austin, TX 78756  
Planning and Design  
Principal Planner  
Stuart Strong

April 27, 1994

Dear Mr. Strong:

I have recently completed a survey very similar to the one used in Austin Hills Subdivision to get neighborhood members opinions on the proposed park. The results have showed that over 80% of the homeowners in the Sierra Arbor Estates Subdivision are opposed to a Neighborhood Park. There are 42 homes in my subdivision of which 34 homes responded to the survey. This is also a better than 80% response. The high degree of interest is related to the close proximity of the proposed park to our homes.

With the name, address, and phone number details contained in the Sierra Arbor Estates survey, you can plot exactly where these homeowners are located. Many of the responses contain details as to why they chose to vote as they did. I will forward these forms by mail to you as soon as I can get the forms duplicated. Please take into consideration all homeowners concerns.

I am in contact with James Kamiske on a regular basis and, as he has written, we would like to be kept informed as to the progress and decisions that you make as well as informing us of any meetings that may come up that our neighborhoods may want to participate in.

Sincerely,

*Kenneth Tolces*  
Kenneth Tolces  
President, Sierra Arbor Homeowners Assn.  
8005 Tributary Ridge Drive  
Austin, TX 78759

Post-It™ brand fax transmittal memo 7871		* of pages * 2	
To	Stuart Strong	From	Ken Tolces
Co.	PARC	Co.	SAHA
Dept.	Planning & Design	Phone #	512 319 0213 338 4292
Fax #	472 2174	Fax #	331-4917

## Sierra Arbor Estates Subdivision Home Owners Survey

Name	Phone	No.	Street	Nature	Greenbelt	Park	Total
Josh & Virginia Beckham	335-4713	6000	Tributary Ridge Drive	1	0	0	1
Victor & Kathy Bazan	219-1428	6001	Tributary Ridge Drive	1	0	0	1
Stuart & Phyllis Greer	331-1752	6004	Tributary Ridge Drive	1	0	0	1
Ken & Jan Tolces	219-0213	6005	Tributary Ridge Drive	1	0	0	1
John & Edwina Holbert	219-5130	6008	Tributary Ridge Drive	1	0	0	1
Nick & Claire Gruendler	331-0764	6009	Tributary Ridge Drive	1	0	0	1
Gary & Maudie Zeigler	250-0545	6010	Tributary Ridge Drive	1	0	0	1
Edward & Virde Rhem	250-5486	6012	Tributary Ridge Drive	1	0	0	1
Dave & Mary Lopez	331-1448	6014	Tributary Ridge Drive	1	0	0	1
Raed & Betty Tamimi	250-6235	6016	Tributary Ridge Drive	1	0	0	1
Bill & Emily LaFrance	219-1188	6018	Tributary Ridge Drive	1	0	0	1
Jim & Myong Hall	219-6067	6020	Tributary Ridge Drive	1	0	0	1
Ed & Judy Bandy	335-6766	6024	Tributary Ridge Drive	0	0	1	1
Keith & Tammy Dehaven	219-0904	6000	Tributary Ridge Court	1	0	0	1
Joe & Linda Higdon	331-2129	6002	Tributary Ridge Court	0	0	1	1
Kaivalya & Evelyn Dobb	331-6820	6003	Tributary Ridge Court	0	1	0	1
Jesus & Quan Garza	335-6760	6004	Tributary Ridge Court	0	0.5	0.5	1
David & Kate Friday	258-5373	6005	Tributary Ridge Court	0	0	1	1
Mahendra & Meena Mehta	335-3437	6008	Tributary Ridge Court	0	0	1	1
Rick & Kim Wagner	258-7836	6010	Tributary Ridge Court	1	0	0	1
Melvin & Eleanor Spitzenberger	219-1042	6011	Tributary Ridge Court	1	0	0	1
David & Megan Moreau	916-1713	6001	Sierra Arbor Court	1	0	0	1
J.M. Rowley	258-9291	6002	Sierra Arbor Court	0	0	1	1
Donald & Belin Tucker	219-7481	6004	Sierra Arbor Court	1	0	0	1
Bernard & Francoise Gramillet	219-1894	6006	Sierra Arbor Court	0	1	0	1
Rock & Nancy Lee	335-2214	6007	Sierra Arbor Court	1	0	0	1
Shoichi & Miyuki Ota	219-6867	6008	Sierra Arbor Court	1	0	0	1
Joe & Linda Schwartz	335-6060	6009	Sierra Arbor Court	1	0	0	1
Bill & Jenny Van Rensburg	916-0257	6010	Sierra Arbor Court	1	0	0	1
Randall & Wendy Haratyk	258-2123	6011	Sierra Arbor Court	1	0	0	1
Tony & Sylvia Quintana	258-0918	6101	Sierra Arbor Court	0	1	0	1
Heichi & Infan Cheong	219-6835	6104	Sierra Arbor Court	0	1	0	1
JJ & Stela DeBarros	258-6271	6105	Sierra Arbor Court	0	0	1	1
Pat & Arian Levin	250-6028	6106	Sierra Arbor Court	0	1	0	1
Total				22	3.5	6.5	34
Percent Analysis				64.71%	16.18%	19.12%	100.00%

Prepared by:

*Kenneth Tolces*

Kenneth Tolces

President, Sierra Arbor Homeowners Assn.

6005 Tributary Ridge Drive

Austin, TX 78759

Phone: 219-0213

4/27/94





MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 10, 1994

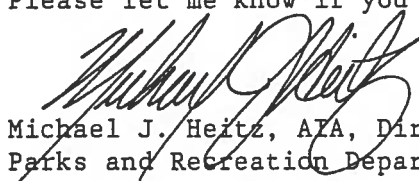
SUBJECT: Revised Estimate for Maintenance of the Norwood Estate

At the May 24 Parks and Recreation Board meeting, you reviewed the proposed agreement with the Women's Chamber of Commerce of Texas (WCCT) for renovation of the Norwood Estate. You recommended that the agreement contain a clause clarifying expected progress and that the WCCT receive all revenues from operation of the house in order to pay for all maintenance and operation costs. In addition, you recommended that the Department provide only basic maintenance.

In revising the Request for Council action to address basic park maintenance, we provided a revised estimate of the cost to provide electricity, water to the house, mowing, litter pickup, routine park security, and hardscape (sidewalk) maintenance. This estimate is \$5,000. Approximately \$3,000 is currently budgeted for the site in its present condition. Since this figure is significantly different from the \$50,000 figure in the original documents, I wanted to be sure you were aware of the change and its significance.

I recommend your approval of the agreement with the WCCT in light of this revised cost estimate for the maintenance that would be provided by the Parks and Recreation Department. City Council is scheduled to approve the negotiation and execution of the agreement with the WCCT at its June 23 meeting.

Please let me know if you need additional information.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MJH:jh



MEMORANDUM

TO: Parks and Recreation Board Members

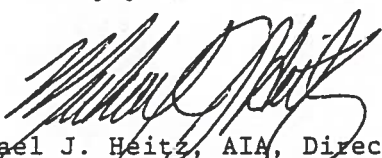
FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: June 9, 1994

SUBJECT: Legal Opinion, Pedestrian Underpass

I have attached for your information a legal opinion pertaining to the Barton Springs Underpass Project in Zilker Park. The opinion states the money could be used for another project - but - it is currently pledged as a "local match" fund to the comprehensive trails ISTEIA project approved by City Council.

I will keep you informed should any changes occur.



Michael J. Heitz, AIA, Director  
Parks and Recreation Department



## MEMORANDUM

**TO:** Mike Heitz, Director  
Parks and Recreation Department

**FROM:** Cynthia J. Hill, Senior Supervising Attorney

**DATE:** May 24, 1994

**SUBJECT:** Legal Opinion on the use of 1992 Bond Money.

### QUESTION PRESENTED

May the City use bond proceeds sold for the Barton Springs Road Pedestrian Underpass Project for the Zilker Park/Barton Creek Bridge Project?

### SHORT ANSWER

This transfer would be possible upon a favorable vote to transfer the funds by City Council. However, I understand \$90,000 for the underpass has been pledged as "local match" funds to the comprehensive trails ISTEIA project approved by City Council on October 7, 1993 and approved by the Board for the Texas Department of Transportation on April 28, 1994. The U.S. Department of Transportation will be reviewing this grant next. The City Council has certified the availability of the matching funds for this comprehensive trails system. Because of this intervening event, a vote of City Council is required to effect a change to the local match funds. Once the grant is accepted and a grant agreement executed, an amendment of the ISTEIA grant, approved by City Council and the U.S. Department of Transportation, would be required.

### DISCUSSION

The 1992 bond election provided new general obligation bond authority for a variety of capital projects for a variety of City

Memorandum to Mike Heitz, Director  
Parks and Recreation Department  
May 24, 1994  
Page 2

departments. The long form of Proposition 8 of the 1992 bond election reads as follows:

Shall the City Council of the City of Austin, Texas, be authorized to issue and sell general obligation bonds of said City in the aggregate principal amount of \$17,250,000 for the public purpose of purchasing, improving and equipping land for parks and recreation facilities...

Both the Barton Springs Road Underpass Project and the bridge over Barton Creek were identified projects to be funded out of Proposition 8. In fact \$120,000 in bonds were sold in September 1993 for the purpose of fully funding the Underpass Project; however, the bridge project was not scheduled for a bond sale until the 1998-99 fiscal year.

The City Council could have approved the use of this cash for the bridge project and delayed the underpass project upon a favorable vote during the Capital Budget process. City Council did not pass a restrictive ordinance when it sold the 1993 bonds and has retained some discretion in the application of bond proceeds between previously identified projects.

On October 7, 1993, City Council authorized the submission of an Intermodal Surface Transportation Efficiency Act (ISTEA) grant application for the Comprehensive Trails Grant. See RCA attached. Part of the City's matching grant money was \$90,000 of the \$120,000 from the Underpass Project account. See page 3 of attachment.

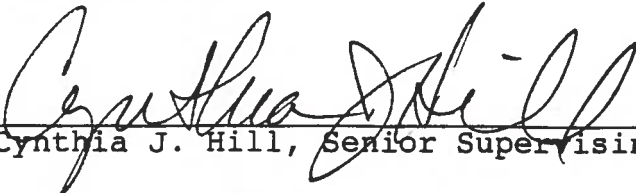
This pledge of matching money from this source will become a binding contractual commitment upon execution of the grant contract.

At present, the City Council has not yet authorized acceptance of this grant and execution of a grant agreement. However, another vote of City Council to use this money for a different purpose and to substitute another source of funds for the ISTEA grant would be advisable if City Council is interested in accepting this grant. Once the grant is accepted and a grant contract signed, changes in the local match funds would require an amendment to the grant and require approval by the City Council and the U.S. Department of Transportation.



Memorandum to Mike Heitz, Director  
Parks and Recreation Department  
May 24, 1994  
Page 3


Prepared by:

  
Cynthia J. Hill, Senior Supervising Attorney

Reviewed by:

  
Charles E. Griffith, III, Deputy City Attorney

Approved by:

  
Diana L. Granger, City Attorney

**CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** \_\_\_\_\_  
**AGENDA DATE:** 10/07/9  
**RCA TYPE:** resolut  
**PAGE 1 of 2**

**SUBJECT:** Certify the availability of matching funds for Intermodal Surface Transportation Enhancement Act (ISTEA) applications submitted by the City to the Texas Department of Transportation, and approve a prioritized ranking of the projects.

*Planning and Parks*  
**AMOUNT & SOURCE OF FUNDING:** The total amount to be certified is \$2,008,606. Funds are available in the operating budgets (\$125,006) of Public Works, Development and Planning and the Austin Visitors and Convention Bureau Departments, the Capital Budgets (\$1,799,600) for Parks and Recreation and Public Works departments, and donations ~~(\$84,000)~~ *from Capital Metro (\$75,000) and Austin Habitat Society (\$9,000)* *(fiscal note attached)*

**REQUESTING DEPT:** Parks and Recreation **DIRECTOR'S SIGNATURE:** \_\_\_\_\_  
**FOR MORE INFORMATION CONTACT:** Stuart Strong (PARD), Dave Gerard (Public Works), Michael Knox/Duncan Muir (Planning).

**PRIOR COUNCIL ACTION:** Council approved submission of application 7/27/93  
**BOARD AND COMMISSION ACTION:** NA

-----**REQUIRED AUTHORIZATION**-----  
**LEGAL:** \_\_\_\_\_ **FINANCE:** *Robert F. Brown*  
**OTHER:** \_\_\_\_\_ **CITY MANAGER:** \_\_\_\_\_

The Intermodal Surface Transportation Enhancement Act (ISTEA) of 1991 provides funding of transportation-related activities which enhance the traditional modes of travel. The Texas Department of Transportation (TxDOT) is accepting ISTEA grant applications for the first awards to be granted in Texas. Applications may also be submitted for two additional cycles in the next twelve months. Applications not awarded this cycle may be resubmitted in future cycles.

Grant applications have been prepared by Austin citizens and departmental staff for improvements to complement existing transportation systems, including: completing trails and amenities on Town Lake, Waller Creek, Barton Creek and Shoal Creek Greenbelts; improved bicycle and pedestrian facilities at the Lamar Blvd. Bridge; a survey of historic structures on five major streets in the proposed East Austin National Register District; an inventory of billboards on major arterials; continued restoration of the Mayfield House; development of the Ole Mexico Saltillo Plaza; installation of historic site markers on Town Lake and Waller Creek; a new bicycle link connecting Arroyo Seco with the Shoal Creek Greenbelt; and enhancing the City's bicycle system with staffing. Other projects are being developed for future submission. All improvements will be in compliance with the Americans with Disabilities Act.

Grant applications were submitted in September for an October 12 review by the Austin Transportation Study (ATS) Policy Advisory Committee. ATS will forward their recommendations to TxDOT in November 1993. In January 1994, the Transportation Commission will make the decision on applications from throughout the state; final notification of award is expected from the US Department of Transportation approximately six months later.

**CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** \_\_\_\_\_  
**AGENDA DATE:** 10/07/93  
**RCA TYPE:** resolution  
**PAGE 2 of 2**

The ISTEA program requires the City to provide at least 20% of the projects costs, and to certify that the matching funds for each project are available. Matching funds are available in the FY 94 Capital Budget, the FY 94 Operating Budget, and a donation from the Austin Heritage Society. Funds which have been expended will not be accepted as a match, so the implementation of these projects will be postponed until an award notification by the US Department of Transportation.

One of the July 27, 1993 Resolutions concerning ISTEA stipulated that the City shall participate in the submission of an application for the LBJ Scenic Hill Country Trail. The Hill Country Trail is planned as a regional loop trail in excess of 100 miles through nine counties, from Austin to Kerrville and San Antonio. A draft application for the Hill Country Trail has been developed, but due to unresolved issues related to design and construction costs estimates, the application will not be submitted for the first award cycle. Council will be given a status report on this application as additional information is secured.

Although ATS will evaluate and rank all applications, the City has been requested to prioritize its applications. A prioritized list of applications is submitted for your approval. The prioritization, was based upon five evaluation factors; economic benefit, social benefit, environmental benefit, number of people to be served, and enhancement of transportation systems. The first three are the primary evaluation criteria to be used by ATS and TxDOT. The recommended prioritization is as follows:

1. ~~Lamar Bridge Bike/Pedestrian Improvements~~
- 2. Comprehensive Austin Park Trail Improvements
3. Saltillo Plaza (Ole Mexico)
4. Bicycle Coordinator Position
5. Billboard Inventory
6. Mayfield Park Renovation
7. Survey of Proposed National Register District in East Austin
8. Downtown East Sixth Street Research to Enhance Tourism
9. Waller Creek Heritage Signs
10. Town Lake Historic Signs

**CIP BUDGET  
FISCAL NOTE**

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

10/7/93  
Resolution  
Parks and Recreation

**DESCRIPTION:** Certify the availability of matching funds for Intermodal Surface Transportation Enhancement Act (ISTEA) applications submitted by the City to the Texas Department of Transportation, and approve a prioritized ranking of the projects.

**FINANCIAL INFORMATION:**

**Project Name:** Waller Creek Hike & Bike Trail  
**Serial Number:** 853-867-0181  
**Project Authorization:** 1992-93 Capital Budget  
**Funding Source:** 1992 G.O. Bond Prop. 8  
**Fund/Agency/Orgn:** 853-867-0181

<b>Current Appropriation</b>	<b>\$750,000.00</b>
<b>Unencumbered Balance</b>	<b>\$737,233.00</b>
<b>Amount Of This Action</b>	<b>(\$680,000.00)</b>
<b>Remaining Balance</b>	<b>\$57,233.00</b>

**FINANCIAL INFORMATION:**

→ **Project Name:** Barton Creek Bridge Underpass  
**Serial Number:** 852-867-0171  
**Project Authorization:** 1992-93 Capital Budget  
**Funding Source:** 1992 G.O. Bond Prop. 8  
**Fund/Agency/Orgn:** 852-867-0171

<b>Current Appropriation</b>	<b>\$120,000.00</b>
<b>Unencumbered Balance</b>	<b>\$119,632.00</b>
<b>Amount Of This Action</b>	<b>(\$90,000.00)</b>
<b>Remaining Balance</b>	<b>\$29,632.00</b>

**FINANCIAL INFORMATION:**

**Project Name:** S. 1st (Drake Bridge)/W. 1st-Bouldin Crk.  
**Serial Number:** 825-607-2064  
**Project Authorization:** 1991-92 Capital Budget  
**Funding Source:** 1984 G.O. Bonds Prop. 18  
**Fund/Agency/Orgn:** 825-607-2064

<b>Current Appropriation</b>	\$1,748,000.00
<b>Unencumbered Balance</b>	\$829,448.00
<b>Amount Of This Action</b>	<u>(\$80,000.00)</u>
<b>Remaining Balance</b>	<u>\$769,448.00</u>

**FINANCIAL INFORMATION:**

**Project Name:** Town Lake Bikeway  
**Serial Number:** 873-867-0810  
**Project Authorization:** 1991-92 Capital Budget  
**Funding Source:** CIP Interest FY91  
**Fund/Agency/Orgn:** 873-867-0810

<b>Current Appropriation</b>	\$449,719.00
<b>Unencumbered Balance</b>	\$300,000.00
<b>Amount Of This Action</b>	<u>(\$300,000.00)</u>
<b>Remaining Balance</b>	<u>\$0.00</u>

81-801-607-1057  
 825-607-2007  
 Feb 92 49,000  
 Nov 400,000

Steam Train  
 R.R. Crossing  
 CASH  
 NO  
 APPROP.



**FINANCIAL INFORMATION:**

**Project Name:** Montopolis Sports Complex  
**Serial Number:** 852-867-0177  
**Project Authorization:** 1992-93 Capital Budget  
**Funding Source:** 1992 G.O. Bonds Prop. 8  
**Fund/Agency/Orgn:** 852-867-0177

<b>Current Appropriation</b>	<b>\$2,657,000.00</b>
<b>Unencumbered Balance</b>	<b>\$2,419,128.00</b>
<b>Amount Of This Action</b>	<b>(\$130,000.00)</b>
<b>Remaining Balance</b>	<b><u>\$2,289,128.00</u></b>

**FINANCIAL INFORMATION:**

★ **Project Name:** Lamar Blvd. Bridge/Riverside to 5th Street  
**Serial Number:** 825-607-2050  
**Project Authorization:** 1991-92 Capital Budget  
**Funding Source:** 1984 G.O. Bonds Prop. 18  
**Fund/Agency/Orgn:** 825-607-2050

<b>Current Appropriation</b>	<b>\$8,002,000.00</b>
<b>Unencumbered Balance</b>	<b>\$7,964,453.00</b>
<b>Amount Of This Action</b>	<b>(\$448,000.00)</b>
<b>Remaining Balance</b>	<b><u>\$7,516,453.00</u></b>

**FINANCIAL INFORMATION:**

**Project Name:** Mayfield Park Improvements  
**Serial Number:** 873-867-0192  
**Project Authorization:** 1993-94 Capital Budget  
**Funding Source:** CIP Interest FY 94  
**Fund/Agency/Orgn:** 873-867-0192

<b>Current Appropriation</b>	<b>\$100,000.00</b>
<b>Unencumbered Balance</b>	<b>\$100,000.00</b>
<b>Amount Of This Action</b>	<b>(\$16,600.00)</b>
<b>Remaining Balance</b>	<b>\$83,400.00</b>

**FINANCIAL INFORMATION:**

**Project Name:** Distribution/Streetlighting  
**Serial Number:** 317-117-2136  
**Project Authorization:** 1993-94 Capital Budget  
**Funding Source:** 1985 Revenue Bonds  
**Fund/Agency/Orgn:** 317-117-2136

<b>Current Appropriation</b>	<b>\$1,110,000.00</b>
<b>Unencumbered Balance</b>	<b>\$479,474.00</b>
<b>Amount Of This Action</b>	<b>(\$25,000.00)</b>
<b>Remaining Balance</b>	<b>\$454,474.00</b>

**FINANCIAL INFORMATION:**

**Project Name:** Sidewalk and Sidewalk Ramp Construction  
**Serial Number:** 825-607-2005  
**Project Authorization:** 1991-92 Capital Budget  
**Funding Source:** 1984 G.O. Bonds Prop. 18  
**Fund/Agency/Orgn:** 825-607-2005

<b>Current Appropriation</b>	<b>\$3,720,535.00</b>
<b>Unencumbered Balance</b>	<b>\$90,362.00</b>
<b>Amount Of This Action</b>	<b>(\$50,000.00)</b>
<b>Remaining Balance</b>	<b>\$40,362.00</b>

Budget Officer Approval:



Date: 10/1/93



M E M O R A N D U M

TO: Recipient of Legal Opinion  
FROM: Diana L. Granger, City Attorney  
DATE: October 1, 1993  
SUBJECT: Client Survey - Request for Legal Opinion

Over the last few months the Law Department has instituted a new legal opinion review process, the purpose of which is to improve the quality of the advice we give our clients. In an effort to continue the process of improvement, we would appreciate it if you would take a minute to review the enclosed Client Survey form, give us your evaluation and comments and return it to me at the Law Department.

The purpose of this survey is to give us information to allow us to improve the timeliness and value of the opinions we send to you. Any comments you have which would help us improve our services will be appreciated.

  
Diana L. Granger  
City Attorney

DLG/sja/3726

Attachment

**Client Survey  
Request for Legal Opinion**

Dept. \_\_\_\_\_  
Date \_\_\_\_\_

Issue addressed in opinion: \_\_\_\_\_  
\_\_\_\_\_

- |   | YES   | NO    |
|---|-------|-------|
| 1. The opinion is responsive to the question asked. | _____ | _____ |
| 2. The conclusion and analysis are understandable.  | _____ | _____ |
| 3. The response was timely provided.                | _____ | _____ |

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Return to City Of Austin, Dept. of Law - Diana L. Granger**





MEMORANDUM

TO: Diana Granger, City Attorney

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: April 21, 1994

SUBJECT: Legal Opinion on the Use of 1992 Bond Money

The Parks and Recreation Board has requested information on the feasibility of shifting Capital Improvements Program (CIP) money authorized in the 1992 bond election from the Barton Creek Pedestrian Underpass project to a pedestrian overpass project bridging the two sides of Zilker Park across Barton Springs Road.

Attached is a copy of information on the bond language and the resolution authorizing the election. I would appreciate a response as soon as possible since the Parks Board will be discussing the masterplan for Zilker Park at their May 10 meeting.

If you need additional information, please let me know.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MJH:dgb

Attachment

Item  
#4  
1993

---

ORDINANCE NO. 930909-C

ORDINANCE  
AUTHORIZING THE ISSUANCE OF

\$25,000,000  
CITY OF AUSTIN, TEXAS  
PUBLIC IMPROVEMENT BONDS  
SERIES 1993

Adopted September 9, 1993

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF AUSTIN, TEXAS, PUBLIC IMPROVEMENT BONDS, SERIES 1993, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; AWARDING THE SALE THEREOF; APPROVING THE OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; SUSPENDING THE RULE REQUIRING THE ORDINANCE TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY

WHEREAS, general obligation bonds of the City of Austin, Texas (the "City") were duly and favorably voted, as required by the Constitution and laws of the State of Texas, at elections held in the City on the dates hereinafter set forth; and the following are among the purposes and amounts of the bonds which were authorized, reflecting any amount previously issued pursuant to each voted authorization, and the balance that remains unissued before the issuance of the bonds herein authorized, to-wit:

<u>Election</u> <u>Date</u>	<u>Purpose</u>	<u>Total</u> <u>Amounts*</u> <u>Authorized</u>	<u>Amounts*</u> <u>Previously</u> <u>Issued</u>	<u>Amounts*</u> <u>Being</u> <u>Issued</u>	<u>Unissued</u> <u>Amounts*</u>
/11/82	Parks and Recreation	\$ 27,800	\$ 26,361	\$ 81	\$ 1,358
/11/82	Library	3,100	3,000	0	100
0/22/83	Brackenridge 2000	50,000	40,785	0	9,215
9/08/84	Street Improvements	200,070	172,809	1,855	25,406
9/08/84	Drainage and Flood Control	48,535	34,839	3,342	10,554
9/08/84	Park Land Acquisition	7,225	6,500	300	425
9/08/84	Park Improvements	9,975	8,856	189	950
1/19/85	Cultural Arts	20,285	14,890	0	5,395
8/10/92	Fire Stations	8,760	2,938	1,272	4,550
8/10/92	Police Substations	5,580	2,350	1,250	1,980
8/10/92	Health, Safety and Welfare Renovations	18,800	2,750	2,380	13,670
8/10/92	Erosion & Flood Control	21,570	2,717	3,458	15,395
8/10/92	Street Reconstruction & Traffic Signals	27,500	5,951	4,437	17,112
8/10/92	Neighborhood Sidewalks	500	0	0	500
8/10/92	Parks & Recreation Facilities	17,350	10,937	2,814	3,599
8/10/92	Libraries	16,395	5,252	242	10,901
8/10/92	Land for Balcones Canyonlands Conservation Plan	22,000	8,000	3,000	11,000
8/10/92	Land for Barton Creek Greenway	<u>20,000</u>	<u>1,000</u>	<u>400</u>	<u>18,600</u>
OTAL		525,445	349,735	25,000	150,710

Amounts in thousands

WHEREAS, the City Council has found and determined that it is necessary and in the best interest of the City and its citizens that it authorize by this Ordinance the issuance and delivery of

\$25,000,000 of such bonds at this time in a single issue, in accordance with the Constitution and laws of the State of Texas, including Article 1175, Vernon's Annotated Texas Civil Statutes, as amended, and the Home Rule Charter of the City; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

## ARTICLE I

### DEFINITIONS AND OTHER PRELIMINARY MATTERS

#### Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise, in this Ordinance the following terms shall have the meanings specified below:

"Bond" means any of the Bonds.

"Bonds" means the City's bonds entitled "City of Austin, Texas, Public Improvement Bonds, Series 1993" authorized to be issued by Section 3.01 of this Ordinance.

"Business Day" means any day which is not a Saturday, Sunday, legal holiday, or day on which banking institutions in the city in which the Paying/Registrar Office is located are authorized by law or executive order to close.

"City Council" means the governing body of the City.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Construction Fund" means the construction fund established by Section 8.01(a) of this Ordinance.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means any broker, dealer, bank, trust company, clearing corporation or certain other organizations with Bonds credited to an account maintained on its behalf by DTC.

"Event of Default" means any Event of Default as defined in Section 10.01 of this Ordinance.

"Initial Bond" means the Bond described in Section 3.04(d) and 6.02(d).

"Interest and Sinking Fund" means the interest and sinking fund established by Section 8.01(a) of this Ordinance.

"Interest Payment Date" means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity of the Bonds, such dates being March 1 and September 1 of each year commencing March 1, 1994.

"Ordinance" means this Ordinance.

"Original Issue Date" means the initial date from which interest on the Bonds accrues and which is designated in Section 3.02(a).

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Paying Agent/Registrar" means Ameritrust Texas National Association, Austin, Texas, and any successor thereto or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

"Paying Agent/Registrar Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its corporate trust office in Dallas, Texas, and (2) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"Purchaser" means the person, firm or entity initially purchasing the Bonds from the City and which is designated in Section 7.01 of this Ordinance.

"Record Date" means the 15th day of the month next preceding an Interest Payment Date.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Letter of Representations with respect to the Bonds, between the City and DTC.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b) of this Ordinance.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of the principal of or interest on the Bonds as the same come due and payable and remaining unclaimed by the Owners of Bonds for 90 days after the applicable payment or redemption date.



Section 1.02. Other Definitions.

The term "City" shall have the meaning assigned in the preamble to this Ordinance.

Section 1.03. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.04. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.05. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein to sustain the validity of this Ordinance.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements on the Bonds, being (i) the interest on the Bonds, and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter, while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each \$100 valuation of taxable property in the City that is sufficient to pay such debt service

requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

### ARTICLE III

#### AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

##### Section 3.01. Authorization.

The City's bonds, to be designated "City of Austin, Texas, Public Improvement Bonds, Series 1993," are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, in the aggregate principal amount of \$25,000,000, for drainage and flood control projects; street, sidewalk and bridge improvement projects (including signage); parks and recreation projects (including land acquisition); police and fire station facilities; and health, safety and welfare renovations.

##### Section 3.02. Date, Denomination, Maturities, Numbers and Interest.

(a) The Bonds shall be dated September 1, 1993, shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar.

(b) The Bonds shall mature on September 1 in the years and in the principal amounts and interest rates set forth below, interest on each Bond accruing from the Original Issue Date or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest, payable semiannually on March 1 and September 1 of each year until the principal amount shall have been paid or provision for such payment shall have been made, commencing March 1, 1994, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1996	\$ 880,000	7.00 %	2005	\$1,370,000	4.40%
1997	930,000	7.00 %	2006	1,440,000	4.50%
1998	975,000	7.00 %	2007	1,515,000	4.60%
1999	1,030,000	7.00 %	2008	1,590,000	4.60%
2000	1,085,000	5.50 %	2009	1,675,000	4.75%
2001	1,140,000	4.125%	2010	1,760,000	4.75%
2002	1,190,000	4.20 %	2011	1,855,000	4.75%
2003	1,245,000	4.25 %	2012	1,955,000	4.75%
2004	1,305,000	4.375%	2013	2,060,000	4.75%

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of, premium, if any, and interest on the Bonds shall be paid in lawful money of the United States of America as provided in this Section.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be at least 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, United States mail, first class postage prepaid, to the address of such person as it appears in the Register or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Paying Agent/Registrar Office.

(e) If a date for the payment of the principal of or interest on the Bonds is not a Business Day, then the date for such payment shall be the next succeeding day which is a Business Day; and payment on such date shall have the same force and effect as if made on the original date payment was due.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and City Clerk of the City, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile



seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, one Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and City Clerk of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver registered definitive Bonds to DTC in accordance with Section 3.10.

### Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.



(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Paying Agent/Registrar Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Paying Agent/Registrar Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of \$5,000, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in conversion and exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds in not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be converted and exchanged only upon the presentation and surrender thereof at the Paying Agent/Registrar Office, together with a written request therefor duly executed by the Owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its scheduled maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds in not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Paying Agent/Registrar Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Paying Agent/Registrar Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of \$5,000, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in conversion and exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds in not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be converted and exchanged only upon the presentation and surrender thereof at the Paying Agent/Registrar Office, together with a written request therefor duly executed by the Owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its scheduled maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds in not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.



(d) Each Bond issued in exchange for any Bond or portion thereof assigned, transferred or converted shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall convert and exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond is delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer, exchange or conversion of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, exchange or conversion of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration, conversion and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal of a Bond.

### Section 3.07. Cancellation and Authentication.

(a) All Bonds paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled and destroyed upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall periodically furnish the City with certificates of destruction of such Bonds.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in conversion of and exchange for or replacement of any Bond or Bonds issued under this Ordinance, shall have printed thereon a Certificate of Paying Agent/Registrar, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such certificate, and no such Bond shall be deemed to be issued or outstanding unless such certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any

other body or person so as to accomplish the foregoing conversion and exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Article 717k-6, Vernon's Annotated Texas Civil Statutes, as amended, and particularly Section 6 thereof, the duty of conversion and exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Certificate of Paying Agent/Registrar the converted and exchanged or replaced Bonds shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond which was originally delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in conversion and exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the Form of Bonds set forth in this Ordinance.

#### Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such



exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Paying Agent/Registrar Office, of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected herewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become

notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC Accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption.

The Bonds shall be subject to prepayment or redemption before scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds maturing on and after September 1, 2004, in whole or in part, before their scheduled maturity date on September 1, 2003, or any date thereafter (such redemption date or dates to be selected by the City), at a price equal to the principal amount of the Bonds called for redemption, without premium, plus accrued interest from the most recent interest payment date on which interest has been paid or duly provided for to the redemption date.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed, the City shall determine the amounts and maturities thereof to be redeemed and, if less than all of the Bonds of a stated maturity are to be redeemed, the City shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof within such maturity and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each \$5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.04. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Bonds by sending notice by United States mail, first class postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds



outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.05. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of, premium, if any, and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Paying Agent/Registrar Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, premium, if any, and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.06. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.04 of this Ordinance, the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The City hereby appoints Ameritrust Texas National Association, Austin, Texas, or its successor in interest, as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfer and registrations as herein provided. It shall be the duty of the Paying

Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Bond to which payments with respect to the Bonds shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all conversions, exchanges and replacements of such Bonds, as provided in the Ordinance.

#### Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be (i) a commercial bank, trust company, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

#### Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

#### Section 5.04. Termination.

The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment of the Paying Agent/Registrar, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

#### Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class postage prepaid, at the address in the Register, stating the effective date of the change and the name of the replacement Paying Agent/Registrar and the mailing address of its Paying Agent/Registrar Office.



Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment to appear on each of the Bonds, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) At the direction of the City's Director of Finance and Administrative Services, or such person's duly authorized representative, a portion of the Bonds may be printed on the back of the Bonds with the following phrase inserted in the appropriate place on the face of the Bonds: "Reference is hereby made to the further provisions of this Bond set forth on the reverse side hereof and such further provisions shall for all purposes have the same effect as if set forth at this place."

(c) The Bonds shall be typed, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of Bonds.

The form of Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of

Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be substantially as follows:

(a) Form of Bond.

REGISTERED

REGISTERED

No. \_\_\_\_\_

\$ \_\_\_\_\_

United States of America  
State of Texas  
CITY OF AUSTIN, TEXAS  
PUBLIC IMPROVEMENT BOND  
SERIES 1993

INTEREST RATE: MATURITY DATE: ORIGINAL ISSUE DATE: CUSIP NUMBER:

September 1, 1993

The City of Austin (the "City") in the Counties of Travis and Williamson, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

\_\_\_\_\_ DOLLARS

unless this Bond shall have sooner been called for redemption and the payment of the principal hereof shall have been paid or provision for such payment shall have been made, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent interest payment date to which interest has been paid or provided for until such principal amount shall have been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on March 1 and September 1 of each year, commencing March 1, 1994.

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in Dallas, Texas (the "Paying Agent/Registrar Office"), of the Paying Agent/Registrar executing the registration certificate appearing hereon, or, with respect to a successor Paying Agent/Registrar, at the Paying Agent/Registrar Office of such successor. Interest on this Bond is payable by check dated as of the interest payment date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the

registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the 15th day of the month next preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day preceding the date of mailing such notice.

If a date for the payment of the principal of or interest on the Bonds is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city in which the Paying Agent/Registrar Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Bond is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of \$25,000,000 (herein referred to as the "Bonds"), dated September 1, 1993, and issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds with which to make and acquire various public improvements for the City.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limits prescribed by law, against all taxable property in the City.

The City has reserved the option to redeem the Bonds maturing on and after September 1, 2004, before their respective scheduled maturity, in whole or in part in integral multiples of \$5,000, on September 1, 2003, or any date thereafter, at a price equal to the principal amount of the Bonds so called for redemption, without premium, plus accrued interest to the redemption date. If less than all of the Bonds are to be redeemed, the City shall determine the amounts and maturities thereof to be redeemed and, if less than all of the Bonds of a stated maturity are to be redeemed, the City shall direct the Paying Agent/Registrar to call by lot Bonds, or



portions thereof within such maturity and in such amounts, for redemption.

Notice of such redemption or redemptions shall be sent by United States mail, first class postage prepaid, not less than 30 days before the date fixed for redemption, to the registered owner of each of the Bonds to be redeemed in whole or in part. Notice having been so given, the Bonds or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice, and from and after such date, notwithstanding that any of the Bonds or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Bonds or portions thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Paying Agent/Registrar Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, this Bond has been duly executed on behalf of the City, under its official seal, in accordance with law.

\_\_\_\_\_  
City Clerk,  
City of Austin, Texas

\_\_\_\_\_  
Mayor,  
City of Austin, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar.

CERTIFICATE OF PAYING AGENT/REGISTRAR

This is one of the Bonds referred to in the within mentioned Ordinance. The series of Bonds of which this Bond is a part was originally issued as one Initial Bond which was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

AMERITRUST TEXAS NATIONAL ASSOCIATION  
as Paying Agent/Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signatory

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (print or typewrite name, address and zip code of transferee):

\_\_\_\_\_  
\_\_\_\_\_  
(Social Security or other identifying number: \_\_\_\_\_) the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed By:

\_\_\_\_\_  
Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:



ORDINANCE NO. 920610-A

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, CALLING AN ELECTION TO BE HELD IN SAID CITY FOR THE AUTHORIZATION OF GENERAL OBLIGATION BONDS AND REVENUE BONDS, FOR THE USE OF CERTAIN BOND PROCEEDS FOR OTHER PURPOSES, FOR THE REVOCATION OF PRIOR AUTHORITY OF CERTAIN REVENUE BONDS, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Austin, Texas, deems it necessary, advisable and to the best interest of the City and its inhabitants that the bonds of said City be issued for the purposes hereinafter stated, that certain bond proceeds be used for other and different purposes specified in the election ordinance and that the prior authority of certain bonds be revoked, and to that end has determined to submit the propositions for the authorization of such bonds as well as propositions dealing with the revocation of prior authority to an election as hereinafter set out; and,

WHEREAS, the City Council considers that it is to the best interest of the City and its inhabitants that at the earliest possible date the City provide funds for such purposes and considers the ordinance an emergency measure for the immediate preservation of the public peace, health and safety of the citizens of the City; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That an election be held on the 8th day of August, 1992, in conjunction with that election called pursuant to Ordinance No. 920512-A, which date is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption hereof, at which election the following propositions shall be submitted:

PROPOSITION NO. 1

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,015,000, FOR THE PUBLIC PURPOSE OF CONSTRUCTING, IMPROVING AND EQUIPPING EMERGENCY MEDICAL SERVICE BUILDINGS AND FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE

SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 2

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,760,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, IMPROVING AND EQUIPPING FIRE STATIONS AND RELATED FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 3

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,580,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, IMPROVING AND EQUIPPING POLICE SUBSTATIONS AND RELATED FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 4

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$18,800,000 FOR THE PUBLIC PURPOSE OF RENOVATING, IMPROVING AND EQUIPPING CITY BUILDINGS AND OTHER CITY PROPERTIES AND FACILITIES FOR PUBLIC SAFETY, HEALTH AND WELFARE PURPOSES; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 5

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$21,570,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, INSTALLING AND IMPROVING WORKS AND FACILITIES FOR EROSION CONTROL, FLOOD CONTROL AND STORM WATER DRAINAGE INCLUDING, BUT NOT LIMITED TO, SHOAL CREEK CHANNEL IMPROVEMENTS, LITTLE WALNUT CREEK EROSION AND FLOOD CONTROL, TANNEHILL BRANCH OF BOGGY CREEK EROSION AND FLOOD CONTROL, FORT BRANCH OF BOGGY CREEK EROSION AND FLOOD CONTROL, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 6

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL



OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$27,500,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, RECONSTRUCTING AND IMPROVING STREETS IN SAID CITY AND DRAINAGE FACILITIES RELATED THERETO, AND ACQUIRING, IMPROVING AND INSTALLING TRAFFIC SIGNALS NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 7

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, RECONSTRUCTING, AND IMPROVING SIDEWALKS IN SAID CITY AND ACQUIRING LAND AND INTERESTS IN LAND NECESSARY THEREFOR; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 8

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$17,350,000 FOR THE PUBLIC PURPOSE OF PURCHASING, IMPROVING, AND EQUIPPING LAND FOR PARKS AND RECREATION FACILITIES; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND



SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 9

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$16,395,000 FOR THE PUBLIC PURPOSE OF CONSTRUCTING, IMPROVING, AND EQUIPPING CITY LIBRARY FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE AUSTIN HISTORY CENTER, THE DOVE SPRINGS BRANCH LIBRARY, THE MILWOOD BRANCH LIBRARY, THE NORTH LOOP BRANCH LIBRARY, THE OAK HILL BRANCH LIBRARY, THE WINDSOR PARK BRANCH LIBRARY, AND THE ZARAGOZA BRANCH LIBRARY; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 10

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$22,000,000, FOR THE PUBLIC PURPOSE OF PAYING COSTS INCURRED AND TO BE INCURRED IN THE ACQUISITION AND IMPROVEMENT OF LAND TO PROTECT WATER QUALITY, CONSERVE ENDANGERED SPECIES, INCLUDING, BUT NOT LIMITED TO, THE TOOTH CAVE GROUND BEETLE, THE TOOTH CAVE SPIDER, THE KRETSCHMARR CAVE MOLD BEETLE, THE TOOTH CAVE PSEUDOSCORPION, THE BEE CREEK CAVE HARVESTMAN, THE BLACK-CAPPED VIREO, AND THE GOLDEN-CHEEKED WARBLER, AND PROVIDING OPEN SPACE FOR PASSIVE PUBLIC USE AND OTHER COSTS OF IMPLEMENTING THE BALCONES CANYONLANDS CONSERVATION PLAN WHEN APPROVED BY THE PARTICIPATING GOVERNMENTAL ENTITIES; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY

COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 11

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$20,000,000 FOR THE PUBLIC PURPOSE OF ACQUIRING AND IMPROVING LAND IDENTIFIED IN THE NATIONAL PARK SERVICE'S BARTON CREEK GREENWAY STUDY OF 1992 FOR PARK PURPOSES, INCLUDING LAND FOR PARKS AND GREENBELTS FOR WATER QUALITY PRESERVATION IN GREATER AUSTIN AND ENVIRONMENTALLY SENSITIVE LAND IN THE BARTON CREEK AND BARTON SPRINGS AREAS; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 12

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,500,000 FOR THE PUBLIC PURPOSE OF DESIGNING, CONSTRUCTING, IMPROVING, AND EQUIPPING CULTURAL ARTS FACILITIES, INCLUDING A MEXICAN AMERICAN CULTURAL ARTS CENTER AND ADDITIONS AND IMPROVEMENTS TO THE CARVER MUSEUM, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY FOR SUCH PROJECTS; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A

SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 13

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$650,000, FOR THE PUBLIC PURPOSE OF REIMBURSING THE COSTS OF ACQUISITION OF LAND ACQUIRED FOR A MUNICIPAL BUILDING; WITH SAID BONDS TO BE ISSUED IN ONE OR MORE SERIES OR ISSUES, TO MATURE SERIALLY OR OTHERWISE AND BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE RESPECTIVE LIMITS PRESCRIBED BY LAW AT THE TIME OF ISSUANCE, AND TO BE SOLD AT SUCH PRICE OR PRICES, AS THE CITY COUNCIL IN ITS DISCRETION SHALL DETERMINE; AND SHALL THERE BE LEVIED AND PLEDGED, ASSESSED AND COLLECTED ANNUALLY AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN SAID CITY IN AN AMOUNT SUFFICIENT TO PAY THE ANNUAL INTEREST ON SAID BONDS AND PROVIDE A SINKING FUND TO PAY SAID BONDS AT MATURITY?

PROPOSITION NO. 14

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO EXPEND \$1,968,132 UNEXPENDED PROCEEDS OF BONDS PREVIOUSLY ISSUED BY THE CITY PURSUANT TO PROPOSITION NO. 2 APPROVED BY THE VOTERS ON JANUARY 19, 1985, FOR THE PURPOSE OF PURCHASING, CONSTRUCTING, IMPROVING, EQUIPPING AND RENOVATING FACILITIES FOR CULTURAL ARTS OR PERFORMING ARTS, OR BOTH, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR, INSTEAD OF THE PURPOSE ORIGINALLY AUTHORIZED (SUCH ORIGINAL PURPOSE HAVING BEEN FOR THE RENOVATION OF PERFORMING ARTS FACILITIES), WHICH CAN NO LONGER BE ACCOMPLISHED AS VOTED, PURSUANT TO ARTICLE 703b, V.T.C.S.?

PROPOSITION NO. 15

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, BE AUTHORIZED TO ISSUE UTILITY SYSTEM REVENUE SUPPORTED BONDS OF SAID CITY TO THE AMOUNT OF \$82,500,000 MATURING IN SUCH INSTALLMENTS AS MAY BE FIXED BY THE CITY COUNCIL, THE MAXIMUM MATURITY BEING NOT MORE THAN FORTY (40) YEARS FROM THEIR DATE, TO BE ISSUED AND SOLD AT ANY PRICE OR PRICES AND TO BEAR INTEREST AT ANY RATE OR RATES (FIXED, FLOATING OR VARIABLE) AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE CITY COUNCIL AT THE TIME OF ISSUANCE, FOR THE PURPOSE OF MAKING IMPROVEMENTS AND EXTENSIONS TO THE CITY'S ELECTRIC LIGHT AND POWER SYSTEM, INCLUDING THE FINANCING OF COSTS OF



ISSUANCE AND THE FUNDING OF SPECIAL FUNDS MAINTAINED THEREFOR; SAID BONDS TO BE ISSUED IN ACCORDANCE WITH LAW AND SECURED BY A PLEDGE OF THE NET REVENUES OF THE CITY'S ELECTRIC LIGHT AND POWER SYSTEM AND WATERWORKS AND SEWER SYSTEM, EACH BOND TO BE CONDITIONED THAT THE HOLDER THEREOF SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT OF SAID OBLIGATION OUT OF FUNDS RAISED OR TO BE RAISED BY TAXATION?

PROPOSITION NO. 16

SHALL THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO BE AUTHORIZED TO ISSUE UTILITY SYSTEM REVENUE SUPPORTED BONDS OF SAID CITY TO THE AMOUNT OF \$44,000,000, MATURING IN SUCH INSTALLMENTS AS MAY BE FIXED BY THE CITY COUNCIL, THE MAXIMUM MATURITY BEING NOT MORE THAN FORTY (40) YEARS FROM THEIR DATE, TO BE ISSUED AND SOLD AT ANY PRICE OR PRICES AND TO BEAR INTEREST AT ANY RATE OR RATES (FIXED, FLOATING OR VARIABLE) AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE CITY COUNCIL AT THE TIME OF ISSUANCE, FOR THE PURPOSE OF MAKING IMPROVEMENTS AND EXTENSIONS TO THE CITY'S WATERWORKS AND WASTEWATER SYSTEM INCLUDING THE FINANCING OF COSTS OF ISSUANCE AND THE FUNDING OF SPECIAL FUNDS MAINTAINED THEREFOR; SAID BONDS TO BE ISSUED IN ACCORDANCE WITH LAW AND SECURED BY A PLEDGE OF THE NET REVENUE OF THE CITY'S ELECTRIC LIGHT AND POWER SYSTEM AND WATERWORKS AND SEWER SYSTEM, EACH BOND TO BE CONDITIONED THAT THE HOLDER THEREOF SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT OF SAID OBLIGATION OUT OF FUNDS RAISED OR TO BE RAISED BY TAXATION?

PROPOSITION NO. 17

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE THE BALANCE OF UNISSUED REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$64,669,000 APPROVED AT AN ELECTION HELD SEPTEMBER 8, 1984 FOR THE PURPOSE OF MAKING IMPROVEMENTS AND EXTENSIONS TO THE CITY'S ELECTRIC LIGHT AND POWER SYSTEM, TO-WIT: REFUSE FUELED ELECTRIC GENERATING UNITS, INCLUDING ANY LAND ACQUISITION COSTS AND EQUIPMENT THEREFOR BE CANCELLED AND REVOKED?

PROPOSITION NO. 18

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE THE BALANCE OF UNISSUED REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$65,727,200 APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR THE PURPOSE OF PROVIDING IMPROVEMENTS



AND FACILITIES TO CONSERVE THE ENERGY-PRODUCING RESOURCES OF THE CITY, INCLUDING CONVERSION IMPROVEMENTS AND FACILITIES TO BE OWNED OR OPERATED BY PERSONS OTHER THAN THE CITY, INCLUDING FINANCING COSTS AND THE FUNDING OF SPECIAL FUNDS MAINTAINED THEREFOR BE CANCELLED AND REVOKED?

PROPOSITION NO. 19

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE \$17,000,000 OF THE UNISSUED BALANCE OF UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD SEPTEMBER 8, 1984 FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATERWORKS SYSTEM, TO-WIT: TRANSMISSION MAINS, DISTRIBUTION IMPROVEMENTS, PUMP STATIONS AND/OR RESERVOIRS TO SERVE THE NORTHEAST, NORTH CENTRAL AND EAST SERVICE AREAS OF THE CITY, INCLUDING DESSAU ROAD TRANSMISSION MAIN, NORTH CENTRAL RESERVOIR/PUMP STATION, FAR NORTHEAST WATER DISTRIBUTION IMPROVEMENTS, UNIVERSITY HILLS/WINDSOR PARK IMPROVEMENTS, AND GREEN WATER TREATMENT PLANT TRANSMISSION MAIN BE CANCELLED AND REVOKED?

PROPOSITION NO. 20

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE \$10,000,000 OF THE UNISSUED BALANCE OF UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATERWORKS SYSTEM IN THE NORTHEAST AREA OF THE CITY, INCLUDING: NORTHEAST AUSTIN TRANSMISSION MAIN, DECKER LAKE TRANSMISSION MAIN, HOWARD LAND TO NORTHTOWN, TRANSMISSION MAIN, AND NORTHEAST AUSTIN PUMP STATION, INCLUDING FINANCING COSTS AND THE FUNDING OF SPECIAL FUNDS MAINTAINED THEREFOR BE CANCELLED AND REVOKED?

PROPOSITION NO. 21

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE \$3,000,000 OF THE UNISSUED BALANCE OF UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATERWORKS SYSTEM IN THE SOUTH AND SOUTHEAST ARE OF THE CITY, INCLUDING EAST BEN WHITE TRANSMISSION MAIN, HIGHWAY 183 SOUTH TRANSMISSION MAIN, SLAUGHTER LANE TRANSMISSION MAIN, BURLESON ROAD TRANSMISSION MAIN, ELROY RESERVOIR TRANSMISSION MAIN, MOORE'S CROSSING TRANSMISSION MAIN AND RESERVOIR, AND DAVIS LAND/MANCHACA ROAD TRANSMISSION MAIN, INCLUDING

FINANCING COSTS AND THE FUNDING OF SPECIAL FUNDS  
MAINTAINED THEREFOR BE CANCELLED AND REVOKED?

PROPOSITION NO. 22

SHALL THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO ISSUE \$14,000,000 OF THE UNISSUED BALANCE OF UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S SEWER SYSTEM IN THE NORTHEAST AREA OF THE CITY, INCLUDING THE HARRIS BRANCH INTERCEPTOR, AND THE GILLELAND CREEK INTERCEPTOR AND SUB-REGIONAL WASTEWATER TREATMENT PLANT BE CANCELLED AND REVOKED?

PART 2. The election precincts and polling places for this election, together with the persons hereby appointed to serve as Presiding Judge and Alternate Presiding Judge for each of said polling places, shall be and are hereby established and designated in EXHIBITS "A" and "B", respectively and attached hereto, which Exhibits are incorporated herein by reference and made a part of this Ordinance for all purposes.

On election day the polling places shall be open from 7:00 A.M. to 7:00 P.M.

Each Presiding Judge shall appoint not less than two (2) nor more than five (5) clerks to serve and assist in holding said election; provided, that if the Presiding Judge of a polling place serves, the Alternate Presiding Judge of such polling place shall be one of the clerks.

Whereupon the City Council has determined that the conduct of early voting at City Hall is impractical because of the lack of space, the main early voting polling place shall be at Austin Recreation Center, 1301 Shoal Creek Blvd., from July 20, 1992 to August 4, 1992, and the hours for early voting shall be from 7:45 a.m. to 4:45 p.m. In addition, the City Clerk is hereby authorized to and shall maintain temporary branch offices for early voting at such locations as are listed in the attached Exhibit "C". Early voting shall be conducted in accordance with the provision of V.T.C.A. Election Code, Chapter 85 and an Early Voting Ballot Board shall canvass the early voting ballots cast in this election. The persons hereby appointed to the Early Voting Ballot Board are shown in Exhibit "D" attached hereto and incorporated herein by reference as a part of this ordinance for all purposes.

PART 3. An electronic voting system as the term is defined in Title 8, V.T.C.A. Election Code, shall be

utilized in connection with said election. Said system shall be utilized for all early voting as well as for all precinct voting conducted on election day. Ample voting equipment shall be provided for early voting and in each of the various precincts on election day. The Central Counting station is established as the main ballroom of the Stephen F. Austin Hotel at 100 E. 7th Street. Jeff Gunter is hereby appointed as Manager, Chris John is hereby appointed Tabulation Supervisor and James E. Aldridge is hereby appointed Presiding Judge of the Central Counting Station. The Manager and Presiding Judge shall appoint clerks to serve at the Central Counting Station as provided in V.T.C.A. Election Code, Chapter 127.

PART 4. Ballots shall be prepared in accordance with the applicable provisions of V.T.C.A. Election Code so as to permit electors to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the official ballot in substantially the following form:

PROPOSITION NO. 1

THE ISSUANCE OF \$1,015,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, IMPROVING AND EQUIPPING EMERGENCY MEDICAL SERVICE BUILDINGS AND FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR.

PROPOSITION NO. 2

THE ISSUANCE OF \$8,760,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, IMPROVING AND EQUIPPING FIRE STATIONS AND RELATED FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR.

PROPOSITION NO. 3

THE ISSUANCE OF \$5,580,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, IMPROVING AND EQUIPPING POLICE SUBSTATIONS AND RELATED FACILITIES AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR.

PROPOSITION NO. 4

THE ISSUANCE OF \$18,800,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR RENOVATING, IMPROVING AND EQUIPPING CITY BUILDINGS AND OTHER CITY PROPERTIES AND FACILITIES FOR PUBLIC SAFETY, HEALTH AND WELFARE PURPOSES.



PROPOSITION NO. 5

THE ISSUANCE OF \$21,570,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, INSTALLING AND IMPROVING WORKS AND FACILITIES FOR EROSION CONTROL, FLOOD CONTROL AND STORM WATER DRAINAGE INCLUDING, BUT NOT LIMITED TO, SHOAL CREEK CHANNEL IMPROVEMENTS, LITTLE WALNUT CREEK EROSION AND FLOOD CONTROL, TANNEHILL BRANCH OF BOGGY CREEK EROSION AND FLOOD CONTROL, FORT BRANCH OF BOGGY CREEK EROSION AND FLOOD CONTROL, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR.

PROPOSITION NO. 6

THE ISSUANCE OF \$27,500,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, RECONSTRUCTING AND IMPROVING STREETS IN SAID CITY AND DRAINAGE FACILITIES RELATED THERETO, AND ACQUIRING, IMPROVING AND INSTALLING TRAFFIC SIGNALS NECESSARY THEREFOR.

PROPOSITION NO. 7

THE ISSUANCE OF \$500,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, RECONSTRUCTING, AND IMPROVING SIDEWALKS IN SAID CITY AND ACQUIRING LAND AND INTERESTS IN LAND NECESSARY THEREFOR.

PROPOSITION NO. 8

THE ISSUANCE OF \$17,350,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR PURCHASING, IMPROVING, AND EQUIPPING LAND FOR PARKS AND RECREATION FACILITIES.

PROPOSITION NO. 9

THE ISSUANCE OF \$16,395,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR CONSTRUCTING, IMPROVING AND EQUIPPING CITY LIBRARY FACILITIES INCLUDING, BUT NOT LIMITED TO, THE AUSTIN HISTORY CENTER, THE DOVE SPRINGS BRANCH LIBRARY, THE MILWOOD BRANCH LIBRARY, THE NORTH LOOP BRANCH LIBRARY, THE OAK HILL BRANCH LIBRARY, THE WINDSOR PARK BRANCH LIBRARY, AND THE ZARAGOZA BRANCH LIBRARY.

PROPOSITION NO. 10

THE ISSUANCE OF \$22,000,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR PAYING COSTS INCURRED AND TO BE INCURRED IN THE ACQUISITION AND IMPROVEMENT OF LAND TO PROTECT WATER QUALITY, CONSERVE ENDANGERED



SPECIES, AND PROVIDING OPEN SPACE FOR PASSIVE PUBLIC USE AND OTHER COSTS OF IMPLEMENTING THE BALCONES CANYONLANDS CONSERVATION PLAN WHEN APPROVED BY THE PARTICIPATING GOVERNMENTAL ENTITIES.

PROPOSITION NO. 11

THE ISSUANCE OF \$20,000,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR ACQUIRING AND IMPROVING LAND IDENTIFIED IN THE NATIONAL PARK SERVICE'S BARTON CREEK GREENWAY STUDY OF 1992 FOR PARK PURPOSES, INCLUDING LAND FOR PARKS AND GREENBELTS FOR WATER QUALITY PRESERVATION IN GREATER AUSTIN AND ENVIRONMENTALLY SENSITIVE LAND IN THE BARTON CREEK AND BARTON SPRINGS AREAS.

PROPOSITION NO. 12

THE ISSUANCE OF \$10,500,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR DESIGNING, CONSTRUCTING, IMPROVING, AND EQUIPPING CULTURAL ARTS FACILITIES, INCLUDING A MEXICAN AMERICAN CULTURAL ARTS CENTER AND ADDITIONS AND IMPROVEMENTS TO THE CARVER MUSEUM, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY FOR SUCH PROJECTS.

PROPOSITION NO. 13

THE ISSUANCE OF \$650,000 TAX SUPPORTED GENERAL OBLIGATION BONDS FOR REIMBURSING THE COSTS OF ACQUISITION OF LAND ACQUIRED FOR A MUNICIPAL BUILDING.

PROPOSITION NO. 14

AUTHORIZING EXPENDITURE FOR PURCHASING, CONSTRUCTING, IMPROVING, EQUIPPING AND RENOVATING FACILITIES FOR CULTURAL ARTS OR PERFORMING ARTS, OR BOTH, AND ACQUIRING LAND AND INTERESTS IN LAND AND PROPERTY NECESSARY THEREFOR, OF \$1,968,132 UNEXPENDED PROCEEDS OF BONDS PREVIOUSLY ISSUED PURSUANT TO PROPOSITION NO. 2 APPROVED BY THE VOTERS ON JANUARY 19, 1985 (SUCH BONDS HAVING BEEN ORIGINALLY ISSUED FOR THE RENOVATION OF PERFORMING ARTS FACILITIES).

PROPOSITION NO. 15

THE ISSUANCE OF \$82,500,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS FOR MAKING IMPROVEMENTS AND EXTENSIONS TO THE CITY'S ELECTRIC LIGHT AND POWER SYSTEM.

PROPOSITION NO. 16

THE ISSUANCE OF \$44,000,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS FOR MAKING IMPROVEMENTS AND EXTENSIONS TO THE CITY'S WATERWORKS AND WASTEWATER SYSTEM.

PROPOSITION NO. 17

THE REVOCATION OF \$64,669,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD SEPTEMBER 8, 1984 FOR ELECTRIC LIGHT AND POWER SYSTEM IMPROVEMENTS (REFUSE FUELED GENERATION PLANT).

PROPOSITION NO. 18

THE REVOCATION OF \$65,727,200 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR ENERGY CONSERVATION IMPROVEMENTS AND FACILITIES.

PROPOSITION NO. 19

THE REVOCATION OF \$17,000,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD SEPTEMBER 8, 1984 FOR THE CONSTRUCTION OF WATER LINES, A RESERVOIR AND A PUMP STATION TO IMPROVE AND EXPAND WATER SERVICE TO THE NORTH CENTRAL, NORTHEAST AND EAST SERVICE AREAS.

PROPOSITION NO. 20

THE REVOCATION OF \$10,000,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR IMPROVEMENTS TO THE WATERWORKS SYSTEM IN THE NORTHEAST AREA OF THE CITY.

PROPOSITION NO. 21

THE REVOCATION OF \$3,000,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR IMPROVEMENTS TO WATERWORKS SYSTEM IN THE SOUTH AND SOUTHEAST AREAS OF THE CITY.

PROPOSITION NO. 22

THE REVOCATION OF \$14,000,000 UTILITY SYSTEM REVENUE SUPPORTED BONDS APPROVED AT AN ELECTION HELD DECEMBER 14, 1985 FOR IMPROVEMENTS TO THE CITY'S SEWER SYSTEM IN THE NORTHEAST AREA OF THE CITY.

PART 5. The foregoing propositions shall appear on the ballot in the order listed above, preceding the measures to be submitted to the voters pursuant to Ordinance No. 920512-A.

PART 6. All resident qualified electors of the City shall be permitted to vote at said election. Such electors shall vote in the respective City election precincts in which they reside at the designated polling places. This election shall be held and conducted in accordance with the V.T.C.A. Election Code, except as modified by the provisions of Chapter 1 of Title 22, V.A.T.C.S.; and as may be required by law, all election materials and proceedings shall be printed in both English and Spanish.

PART 7. A substantial copy of this ordinance shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be posted at three (3) public places in the City of Austin and at the City Hall not less than fourteen (14) full days prior to the date on which said election is to be held, and be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, published therein, the first of said publications to be made not less than fourteen (14) full days prior to the date set for said election.

PART 8. The requirements imposed by Sections 2-2-3, 2-2-6, and 2-2-8 of the Austin City Code of 1981 concerning the presentation and adoption of ordinances are waived by the affirmative vote of five members of the City Council.

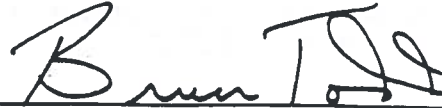
PART 9. That inasmuch as the public importance of this measure and the fact that it is to the interest of the City and its inhabitants to provide funds for the improvements herein contemplated at the earliest possible date for the immediate preservation of the public peace, health and safety of the citizens of the City of Austin, Texas, constitute an emergency and an imperative public necessity that this Ordinance take effect and be in full force immediately upon its passage, all ordinance and Charter rules governing the passage of any ordinance on three separate days are hereby suspended and this Ordinance shall take effect and be in force and effect from and after its final passage as provided by the City Charter, and it is so ordained.

PASSED AND APPROVED

June 10

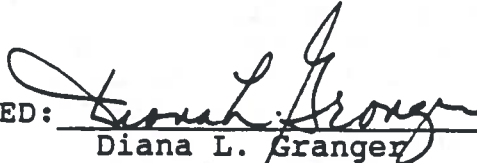
, 1992

§  
§  
§  
§  
§



Bruce Todd  
Mayor

APPROVED:



Diana L. Granger  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk

MRO:rh  
#15142/68



A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and "CUSIP NO. \_\_\_\_\_" deleted;

B. in the first paragraph:

the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on the first day of September in the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Years</u>	<u>Principal Installments</u>	<u>Interest Rates</u>
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(Information to be inserted from Section 3.02(b) hereof.)

C. In the second paragraph of the Initial Bond, "initial" shall be inserted before "Paying Agent/Registrar" in the first sentence, "executing the registration certificate appearing hereon," shall be deleted and an additional sentence shall be added to the paragraph as follows: "The initial Paying Agent/Registrar is Ameritrust Texas National Association, Austin, Texas.";

D. The Initial Bond shall be numbered T-1;

E. The following language in the fourth paragraph of the Bond form shall be deleted from the Initial Bond: "one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of \$25,000,000 (herein referred to as the "Bonds"), dated September 1, 1993, and".

(ii) The following Registration Certificate of Comptroller of Public Accounts shall appear on the Initial Bond in lieu of the Certificate of the Paying Agent/Registrar:

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER  
OF PUBLIC ACCOUNTS

§  
§  
§  
§

REGISTER NO. \_\_\_\_\_

THE STATE OF TEXAS

I HEREBY CERTIFY THAT there is on file and of record in my office a certificate to the effect that the Attorney General of the State of Texas has approved this Bond, and that this Bond has been registered this day by me.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this  
\_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion.

The approving legal opinion of Vinson & Elkins L.L.P. and Walker & Satterthwaite, Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Clerk of the City, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance.

If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

## ARTICLE VII

### SALE OF THE BONDS CONTROL AND DELIVERY OF THE BONDS

#### Section 7.01. Sale of Bonds; Official Statement.

(a) The Bonds are hereby officially sold and awarded to Morgan Stanley & Co. Incorporated, at a price equal to the principal amount thereof, plus accrued interest from the Original Issue Date to the Closing Date and plus a premium of \$42.50. The Initial Bond shall be registered in the name of the Purchaser or its designee.

(b) The form and substance of the Official Statement for the Bonds and any addenda, supplement or amendment thereto (the "Official Statement") presented to and considered at this meeting, is hereby in all respects approved and adopted, and the Official Statement is hereby deemed final by the City Council as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Mayor and City Clerk are hereby authorized and directed to execute the same and deliver appropriate numbers of copies thereof to the Purchaser. The Official Statement as thus approved, executed and delivered, with such appropriate variations as shall be approved by the Mayor and the Purchaser, may be used by the Purchaser in the public offering and sale thereof. The use and distribution of the Official Statement in the public offering of the Bonds by the Purchaser is hereby ratified, approved and confirmed. The City Clerk is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Official Statement in the preliminary public offering of the Bonds by the Purchasers is hereby ratified, approved and confirmed.

(c) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds.

(d) In the event municipal bond guaranty insurance is obtained for the Bonds pursuant to the terms of sale of the Bonds as set forth in the winning bid, all officers of the City are authorized to do any and all things to execute and deliver any and all documents, certificates or other instruments necessary or required for the issuance of a municipal bond insurance policy relating to the Bonds. To the extent permitted by applicable law, the City will comply with all notice and other applicable requirements of the insurer issuing the municipal bond insurance policy in connection with the issuance of the Bonds, as such

(e) The obligation of the Purchaser to accept delivery of the Bonds is subject to the Purchaser being furnished with the final, approving opinion of Vinson & Elkins L.L.P. and Walker & Satterthwaite, Co-Bond Counsel for the City, which opinion shall be dated as of and delivered on the Closing Date.

Section 7.02. Control and Delivery of Bonds.

(a) The Mayor is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Bonds shall be made to the Purchaser under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

ARTICLE VIII

CREATION OF FUNDS AND ACCOUNTS;  
DEPOSIT OF PROCEEDS; INVESTMENTS

Section 8.01. Creation of Funds.

(a) The City hereby establishes the following special funds or accounts:

(i) The City of Austin, Texas, Public Improvement Bonds, Series 1993, Interest and Sinking Fund; and

(ii) The City of Austin, Texas, Public Improvement Bonds, Series 1993, Construction Fund.

(b) The Interest and Sinking Fund and the Construction Fund shall be maintained at an official depository of the City.

Section 8.02. Interest and Sinking Fund.

(a) As collected, the taxes levied under Section 2.01 shall be deposited to the credit of the Interest and Sinking Fund, such deposits to be made at such times and in such amounts as necessary for the timely payment of the principal of and interest on the Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits



to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited with the Paying Agent/Registrar for such redemption.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

#### Section 8.03. Construction Fund.

(a) Money on deposit in the Construction Fund, including investment earnings thereof, shall be used for the purposes specified in Section 3.01 of this Ordinance.

(b) All amounts remaining in the Construction Fund after the accomplishment of the purposes for which the bonds are hereby issued, including investment earnings of the Construction Fund, shall be deposited into the Interest and Sinking Fund, unless applicable law permits or authorizes all or any part of such funds to be used for other purposes.

#### Section 8.04. Security of Funds.

All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

#### Section 8.05. Deposit of Proceeds.

(a) All amounts received on the Closing Date as accrued interest on the Bonds from the Original Issue Date to the Closing Date, and premium, if any, shall be deposited to the Interest and Sinking Fund.

(b) The remaining balance received on the Closing Date shall be deposited to the Construction Fund, such moneys to be dedicated and used for the purposes specified in Section 3.01 hereof and for paying the costs of issuance with respect to the Bonds.

#### Section 8.06. Investments.

(a) Money in the Interest and Sinking Fund and the Construction Fund, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.07. Investment Income.

Interest and income derived from investment of any fund created by this Ordinance shall be credited to such fund.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds.

While any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay the interest on and the principal of the Bonds, as applicable, as will accrue or mature on each applicable Interest Payment Date.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of, interest on, and premium, if any, with respect to, each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the authorization and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.03. Federal Tax Covenants.

(a) General Tax Covenant. The City intends that the interest on the Bonds shall be excludable from gross income of the owners thereof for purposes of federal income taxation pursuant to sections 103 and 141 through 150 of the Code, and applicable regulations. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on the Bonds to be includable in gross income, as defined in section 61 of the Code, of the owners thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of this Section 9.03; provided, however, that the City shall not be required to comply with any particular requirement of this Section 9.03 if the City has received an opinion of nationally recognized bond counsel ("Counsel's Opinion") that such noncompliance will not adversely affect the exclusion from gross income of the owners thereof for federal income tax

purposes of interest on the Bonds or if the City has received a Counsel's Opinion to the effect that compliance with some other requirement set forth in this Section 9.03 will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion shall constitute compliance with the corresponding requirement specified in this Section 9.03.

(b) Use of Proceeds. The City covenants and agrees that its use of the "Net Proceeds of the Bonds" (as such term is defined below) will at all times satisfy the following requirements:

(i) The City will limit the amount of original or investment proceeds of the Bonds to be used (other than use as a member of the general public) in the trade or business of any person other than a governmental unit to an amount aggregating no more than ten percent of the Net Proceeds of the Bonds ("private-use proceeds"). For purposes of this Section, the term "person" includes any individual, corporation, partnership, unincorporated association, or any other entity capable of carrying on a trade or business; and the term "trade or business" means, with respect to any natural person, any activity regularly carried on for profit and, with respect to persons other than natural persons, any activity other than an activity carried on by a governmental unit. Any use of proceeds of the Bonds in any manner contrary to the guidelines set forth in Revenue Procedures 82-14, 1982-1 C.B. 459, and 82-15, 1982-1 C.B. 460, including any revisions or amendments thereto, shall constitute the use of such proceeds in the trade or business of one who is not a governmental unit;

(ii) The City will not permit more than five percent (5%) of the Net Proceeds of the Bonds to be used in the trade or business of any person other than a governmental unit if such use is unrelated to the governmental purpose of the Bonds. Further, the amount of private-use proceeds of the Bonds in excess of five percent of the Net Proceeds of the Bonds ("excess private-use proceeds") will not exceed the proceeds of the Bonds expended for the governmental purpose of the Bonds to which such excess private-use proceeds relate; and

(iii) The City will not permit an amount of proceeds of the Bonds exceeding the lesser of (a) \$5,000,000 or (b) five percent of the Net Proceeds of the Bonds to be used, directly or indirectly, to finance loans to persons other than governmental units.

When used in this Section 9.03 the term Net Proceeds of the Bonds shall mean the proceeds from the sale of the Bonds, including investment earnings on such proceeds, less accrued interest.



(c) No Federal Guaranty. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Code and applicable regulations thereunder, except as permitted by section 149(b)(3) of the Code and such regulations.

(d) Bonds are not Hedge Bonds. The City covenants and agrees that not more than 50 percent of the proceeds of the Bonds will be invested in nonpurpose investments (as defined in section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of section 149(g)(3)(A)(ii) of the Code, and the City reasonably expects that at least 85 percent of the spendable proceeds of the Bonds will be used to carry out the governmental purpose of the Bonds within the three-year period beginning on the date the Bonds are issued.

(e) No-Arbitrage Covenant. The City shall certify, through an authorized officer, employee or agent, that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the City will reasonably expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of section 148(a) of the Code and applicable regulations thereunder. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bonds proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be "arbitrage bonds" within the meaning of section 148(a) of the Code and applicable regulations thereunder.

(f) Arbitrage Rebate. The City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the "gross proceeds" of the Bonds (within the meaning of section 148(f)(6)(B) of the Code) be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other obligations of the City or moneys which do not represent gross proceeds of any obligations of the City, (ii) calculate at such times as are required by applicable regulations, the amount earned from the investment of the gross proceeds of the Bonds which is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted by applicable regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction



in the amount required to be paid to the federal government because such arrangement results in a smaller profit or larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and applicable regulations thereunder.

## ARTICLE X

### DEFAULT AND REMEDIES

#### Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

#### Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge by Payment.

When all Bonds have been paid in full as to principal and as to interest and premium, if any, or when all Bonds have become due and payable, whether at maturity or otherwise, and the City shall have provided for the payment of the whole amount due or to become due on all Bonds then outstanding, including all interest that has accrued thereon or that may accrue to the date of maturity, and any premium due or that may become due at maturity, by depositing with the Paying Agent/Registrar, for payment of the principal of such outstanding Bonds and the interest accrued thereon and any premium due thereon, the entire amount due or to become due thereon, and the City shall also have paid or caused to be paid all sums payable under this Ordinance by the City, including the compensation due or to become due the Paying Agent/Registrar, then the Paying Agent/Registrar, upon receipt of a letter of instructions from the City requesting the same, shall discharge and release the lien of this Ordinance and execute and deliver to the City such releases or other instruments as shall be requisite to release the lien hereof.

Section 11.02. Discharge by Deposit.

(a) The City may discharge its obligation to pay the principal of, premium, if any, and interest on all or any portion of the Bonds and its obligation to pay other sums payable or to become payable under this Ordinance by the City, including the compensation due or to become due the Paying Agent/Registrar, by:

(i) depositing or causing to be deposited with the Paying Agent/Registrar an amount of money that, together with the interest earned on or capital gains or profits to be realized from the investment of such money, will be sufficient to pay the principal of, premium, if any, and accrued interest on such Bonds to maturity or to the date fixed for prior redemption of such Bonds, and to pay such

other amounts as may be reasonably estimated by the Paying Agent/Registrar to become payable under this Ordinance, including the compensation due or to become due the Paying Agent/Registrar; and

(ii) providing the Paying Agent/Registrar with an opinion of nationally recognized bond counsel acceptable to the Paying Agent/Registrar to the effect that the deposit specified in subdivision (i) of this subsection (a) will not cause the interest on the Bonds to become subject to federal income taxation.

(b) Subject to subsection (c) of this Section, upon compliance with subsection (a) of this Section, the Bonds for which provision is so made shall no longer be regarded as outstanding and unpaid, and the Paying Agent/Registrar, upon receipt of a letter of instructions from the City requesting the same, shall discharge and release the lien of this Ordinance and execute and deliver to the City such releases or other instruments as shall be requisite to release the lien hereof.

(c) Before the discharge and release of the lien of this Ordinance pursuant to this Section, provision shall have been made by the City with the Paying Agent/Registrar for:

(i) the establishment of a separate escrow account fund with the Paying Agent/Registrar for the deposit pursuant to subsection (a)(i) of this Section;

(ii) the payment to the Owners at the date of maturity, of the full amount to which the Owners would be entitled by way of principal, premium, if any, and interest to the date of such maturity or prior redemption;

(iii) the investment of such moneys by the Paying Agent/Registrar in direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which may be in book entry form, maturing and/or bearing interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payments of such Bonds;

(iv) the sending of written notice by registered or certified United States mail to the Owner of each Bond then outstanding within 30 days following the date of such deposit that such moneys are available for such payment; and

(v) the payment to the City, periodically or following final payment of the principal of, premium, if any, and interest on the Bonds, of any moneys, interest earnings, profits or capital gains over and above the amounts necessary for such purposes.



## ARTICLE XII

### LAPSE OF PAYMENT

#### Section 12.01. Lapse of Payment.

(a) Unclaimed Payments shall be segregated in a special escrow account and held in trust, uninvested, by the Paying Agent/Registrar for the account of the Owner of the Bonds to which the Unclaimed Payments pertain.

(b) Subject to any applicable escheat, abandoned property or similar law, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due, and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat law or similar law.

## ARTICLE XIII

### PUBLIC MEETING

#### Section 13.01. Public Meeting.

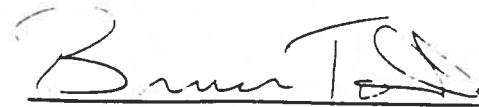
It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Chapter 551, Texas Government Code.

#### Section 13.02. Emergency Declaration.

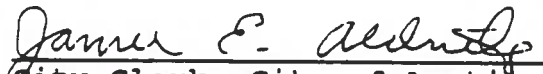
The public importance of this measure and the fact that there is an urgent public need for the City to obtain the funds from the sale of the Bonds as soon as possible and without delay for the immediate preservation of the public peace, health and safety of the citizens of the City constitute and create an emergency requiring the suspension of the rule providing for ordinances to be read on three separate days; and such rule relating to the passage of ordinances and the Charter provision relating to the effective date of ordinances are hereby suspended and this ordinance is hereby passed as an emergency measure and shall be effective immediately upon its passage and adoption as provided by the Charter of the City.



FINALLY PASSED, APPROVED AND EFFECTIVE this September 9, 1993.


  
\_\_\_\_\_  
Mayor, City of Austin,  
Texas

ATTEST:

  
\_\_\_\_\_  
City Clerk, City of Austin,  
Texas

[SEAL]

APPROVED:

  
\_\_\_\_\_  
City Attorney, City of Austin,  
Texas